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New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. D'Alotto
	China	Mr. Zhang Yishan
	Congo	Mr. Gayama
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mrs. Telalian
	Japan	Mr. Oshima
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Llewellyn
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Willson

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 29 May 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2006/353)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-37777 (E)

Letter dated 29 May 2006 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2006/358)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 29 May 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2006/353)

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The President: I should like to inform the Council that I have received letters from the representatives of Rwanda and Serbia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Shalita (Rwanda) and Mr. Loncar (Serbia) took the seats reserved for them at the side of the Council Chamber.

The President: On behalf of the members of the Council, I extend a warm welcome to His Excellency Mr. Zoran Loncar, Minister of Public Administration and Local Self-Government of the Republic of Serbia.

I shall take it that the Security Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Judge Fausto Pocar, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; Judge Erik Møse, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994; Ms. Carla del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

It is so decided.

I invite Judge Pocar, Judge Møse, Ms. Del Ponte and Mr. Jallow to take their seats at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members to photocopies of letters dated 29 May 2006 from the President of the International Tribunal for the Former Yugoslavia and from the President of the International Criminal Tribunal for Rwanda, which will be issued as documents of the Security Council under the symbols S/2006/353 and S/2006/358, respectively.

At this meeting, the Security Council will hear briefings by the President and the Prosecutor of the International Tribunal for the Former Yugoslavia, and the President and the Prosecutor of the International Criminal Tribunal for Rwanda.

Following those briefings, I will give the floor to Council members who wish to make comments or ask questions.

I now give the floor to Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia.

Judge Pocar: It is a privilege to appear once again before the Security Council as President of the International Criminal Tribunal for the Former Yugoslavia.

This is the fifth report of the President of the Tribunal pursuant to Security Council resolution 1534 (2004). It explains the concrete measures taken, as well as the challenges faced by the Tribunal from December 2005 to May 2006 in its efforts to meet the objectives of the completion strategy. I will also update the Council on new developments that have taken place since its submission.

It is a special honour to address the Security Council during your presidency, Madam. On behalf of the Tribunal, I sincerely thank you for the strong support your country has demonstrated for our work over the years. We have also benefited from the experienced and dedicated service of one of your citizens as an ad litem judge at the International Tribunal.

Allow me to begin with a brief overview of the judicial work of Chambers. In the reporting period, the Trial Chambers continued to function at maximum capacity and heard six trials simultaneously, while managing 22 cases in the pretrial stage. In addition, Chambers proceeded with four contempt trials involving six accused and one guilty plea. Almost 200 pretrial decisions were issued and three judgements rendered. Following the termination of the Milosevic trial, I reorganized the Trial Chambers to fully engage the judges of that Chamber in new judicial work and to allow for the commencement of the three multi-accused trials involving 21 accused several months earlier than originally planned. Notably, the first of the multi-accused trials began in April 2006, involving six accused, and the other two multi-accused trials, involving a total of 15 accused, are on track to start in July 2006.

Similarly, the Appeals Chamber has continued working at full speed and disposed of 127 appeals both from this Tribunal and the International Criminal Tribunal for Rwanda (ICTR), including three final judgements. In July, two more judgements will be issued and another two are expected in the fall.

To date, 161 persons have been charged by the International Tribunal and proceedings against 94 accused have concluded. In addition, the Appeals Chamber of the International Tribunal has concluded 12 ICTR cases and proceedings, involving 16 accused. Furthermore, other international criminal tribunals are now benefiting from the International Tribunal's jurisprudence and experience.

I shall now update the Security Council about the latest developments following the deaths of Milan Babic and Slobodan Milosevic since my video-link conference with the Council on 31 March 2006.

First, with respect to Mr. Milosevic, on 5 April Dutch authorities finalized their confidential report on their inquest into his death under Dutch law. The report confirms that Mr. Milosevic died of natural causes, in particular of a heart infarction, and rules out any suggestion of suicide or criminal conduct such as poisoning.

Secondly, on 15 May, the report on the general audit of the United Nations Detention Unit by Swedish authorities, which I authorized, was made public. While the team of Swedish experts was generally satisfied with the overall operation of the Detention Unit they made specific recommendations to improve the conditions of detention, as well as the management structure of the Detention Unit. In response, the International Tribunal established a working group comprised of representatives from Chambers, the Registry and the Detention Unit itself, to follow up on those recommendations.

Thirdly, on 30 May, after the submission of the report, Judge Kevin Parker, whom I appointed to lead an internal inquiry into the death of Mr. Milosevic, submitted his report. The report concludes that there was proper provision of medical care to Mr. Milosevic while he was being held at the Detention Unit both by the Detention Unit's medical doctor and by independent cardiologists and specialists. Mr. Milosevic's serious health problems were complicated by the fact that he insisted on representing himself, against repeated medical advice. In an effort to afford Mr. Milosevic the right of self-representation while not jeopardizing his health, the Trial Chamber progressively reduced his trial schedule and often

adjourned the trial pursuant to medical advice. Mr. Milosevic's health was also complicated by his refusal to comply with the treatment prescribed by his doctors. On a number of occasions, he refused to be te ed or hospitalized. In addition, Mr. Milosevic failed to take some prescribed medications, varied the prescribed dosages and self-medicated with non-prescribed medications, such as rifampicin, at times disrupting the effectiveness of prescribed medications.

Judge Parker's report further concludes that the circumstances suggest that non-prescribed medications were smuggled into the Detention Unit during privileged visitations to Mr. Milosevic. Unique arrangements were made available to the accused by order of the Trial Chamber in September 2003 for privileged communications with legal associates and witnesses in order to allow him to effectively conduct his own defence. Mr. Milosevic therefore had a private room with a telephone, computer and facsimile machine. Those arrangements led to security deficiencies in the Detention Unit. Where abuses were discovered, the Tribunal endeavoured to take appropriate action while still upholding Mr. Milosevic's rights. The measures taken reduced, but did not eliminate, the capacity for misuse of the privileged room.

Finally, Judge Parker's report makes a number of recommendations and emphasizes that in future close attention must be paid to the experience of the Milosevic case in making arrangements for accused to represent themselves, so as not to compromise security in the Detention Unit. Specifically, there should be provision of special training for inspection of materials brought into the Unit by privileged visitors. On 2 June I ordered that the working group implementing the recommendations of the Swedish audit also follow up on Judge Parker's report.

With regard to Mr. Babic, Dutch authorities completed their final, confidential report on the results of their inquest into his death under Dutch law at the end of May. The report confirms that the cause of death was suicide and that there was no evidence of criminal conduct. Judge Parker's internal inquiry could not be completed until receipt of that extensive report by Dutch authorities. At present the Dutch report is being translated into English, and it has become evident that some aspects require follow-up investigations by Judge Parker. He has informed me that those investigations will be concluded in a few days and that his report will follow soon thereafter. At that time copies of Judge Parker's report will be forwarded directly to members of the Council.

Those matters aside, let me now address my first topic, regarding the completion strategy and the concrete measures taken by the Tribunal towards its implementation during the reporting period.

The working group on speeding up trials, which is chaired by Judge Bonomy with the assistance of Judges Hanoteau and Swart, issued its final report in February 2006 and made specific recommendations to enhance the efficiency of pretrial and trial proceedings by shifting from a party-driven process to one that is closely managed by the Tribunal judges. Following an open dialogue on the report, the judges met in an informal plenary meeting in April and adopted specific measures, which are having a fundamental impact on the efficiency of the Tribunal's trials.

First, a policy has been put into place whereby at the earliest possible stage all pretrial cases are transferred to the Trial Chamber that will hear the trial. In that way, the pretrial judge and the pretrial staff already familiar with the case will also serve on the trial, and thus facilitate more efficient proceedings.

Secondly, on 30 May, after the submission of the report, I convened a second plenary meeting of the judges of the Tribunal, which adopted an amendment to rule 73 bis of the Rules with regard to indictments. The judges have been increasingly aware that the length of trials starts with the complexity and breadth of the indictments, which lead to a lengthy presentation of the parties' cases. Previous efforts by the judges to change that pleading practice have been largely unsuccessful. Under this amendment, Trial Chambers now have the explicit ability, at the pretrial stage, to invite the prosecution to reduce the number of counts charged or to direct the prosecution to select the counts on which the trial should proceed.

The basis for that amendment is the statutory responsibility of a Trial Chamber to manage the trial with respect for an accused's right to a fair and expeditious trial and the right of those in pretrial detention to be tried within a reasonable period of time. It also follows a practice common in national jurisdictions of avoiding overloaded indictments to protect the integrity of the proceedings. At the same time, the amendment respects prosecutorial independence in bringing indictments before the

Tribunal and seeks the prosecution's cooperation in shortening trials through focused indictments.

Additionally, substantial steps are being taken by pretrial judges to more proactively manage pretrial proceedings. In that way they can focus proceedings, ensure trial readiness and shorten trials. I cannot mention all the measures, but I would like to highlight some of them.

Specifically, pretrial judges are establishing work plans of the parties' obligations at trial, with strict timetables for presenting their cases and ensuring strict implementation of such work plans. They are also requiring the prosecution to, at an earlier stage, specify its trial strategy, submit a focussed pretrial brief, and produce the final statements of all prosecution witnesses to be called at trial. They are obliging the defence to submit, in a timely manner, a focused pretrial brief and disclosure of expert testimony in order to identify points of agreement and disagreement between the parties, and they are making greater use of the power to sanction a party for failure to comply with disclosure obligations.

Additionally, Trial Chambers are ensuring increased efficiency of the trial proceedings by shortening the prosecution's case, by determining the number of witnesses the prosecution may call, limiting the time available for the presentation of evidence, and fixing the number of crime sites or incidents charged. They are making greater use of written witness statements in lieu of examination-in-chief and exercising greater control over the cross-examination of witnesses.

The next topic I wish to raise briefly concerns the Tribunal's ad litem judges, who have continued to be an invaluable asset for realizing the objectives of the completion strategy. During the reporting period, five new ad litem judges, including one reserve judge, were assigned to two cases.

In this connection, let me express again my extreme gratitude to the Council for having adopted resolution 1660 (2006) in February this year, which amended our Statute to allow for the assignment of ad litem reserve judges. The presence of reserve judges will obviate the need to restart the large, multi-accused trials should one or more of the judges on the bench be unable to continue sitting on a case.

My next topic detailed in the report concerns the referral of cases of intermediate- and lower-ranking accused from the Tribunal to competent national jurisdictions pursuant to rule 11 *bis*. To date, six accused have been referred to the Special War Crimes Chamber of Bosnia and Herzegovina, and two accused have been referred to Croatia for trial before its domestic courts. If all the pending motions are successfully referred, 10 cases involving 16 accused will have been removed from the Tribunal's docket.

However, no other cases are earmarked for referral, as they do not involve intermediate- or lower-level accused. I wish to note also that, for those referrals to the Bosnia and Herzegovina State Court to be successful, it is imperative that sufficient resources, including detention facilities meeting international standards, be made available to the Court. If that Court does not receive the support needed to conduct fair trials, the international community faces the possibility that referred cases may have to be deferred back to the International Tribunal under rule 11 *bis*.

Turning to my next topic, the cooperation of States with the International Tribunal, I would emphasize that the success of the Tribunal in completing its mandate within completion-strategy dates hinges upon such cooperation. Primarily, the assistance of all States, and specifically those in the region, is needed for bringing the six remaining high-level accused, in particular Karadzic and Mladic, to the Tribunal's jurisdiction without delay. Additionally, I take note of the fact that Lukic was transferred from Argentina last February and that Zelenovic has not been transferred so far.

The final topic that I wish to bring to the attention of the members of the Council is an update on the prognosis for the Tribunal's implementation of the completion strategy. As in my last report to the Council, I can confirm that trials will indeed run into 2009 and reiterate that the estimate of all trials finishing by that date may hold, provided that the multi-accused trials run smoothly; that the cases referred to the former Yugoslavia are not deferred back to the International Tribunal; that the new amendment to rule 73 *bis* is effectively implemented such that indictments are more focussed; and that, of course, the six remaining high-level fugitives are transferred to the jurisdiction of the Tribunal very soon.

In conclusion, notwithstanding the challenges encountered in these last six months, the International Tribunal pressed on full speed with its work, resulting in a productive period in the International Tribunal's history. I would stress that, as demonstrated by the concrete measures taken during this reporting period, the Tribunal is absolutely committed to doing everything in its power to meet its obligations under the completion strategy while upholding the norms of due process.

In looking to the future, the International Tribunal will make every effort to develop additional tools to improve the efficiency of its trial and appeals proceedings. In addition, the Tribunal will intensify its ongoing efforts to contribute towards building judicial capacity in the former Yugoslavia. The effective continuation of the International Tribunal's historic work by national jurisdictions in the region will be a key component of the Tribunal's legacy.

The President: I thank Judge Pocar for his briefing.

I now give the floor to Judge Erik Møse, President of the International Criminal Tribunal for Rwanda.

Judge Møse: It is an honour to address the members of the Security Council and to present the updated version of the International Criminal Tribunal for Rwanda (ICTR) completion strategy submitted to the Council on 29 May 2006.

When the ICTR Prosecutor and I appeared before the Council in December 2005, 52 persons had their cases completed or ongoing. That number has now increased to 55 — one more than indicated in the document the Council received about a week ago. On 2 June 2006, Joseph Serugendo, a technical adviser of the Radio Télévision Libre des Mille Collines (RTLM) radio station in Rwanda in 1994, was sentenced to six years' imprisonment. He had pleaded guilty to direct and public incitement to commit genocide and a crime against humanity: persecution.

The other judgment which has been rendered during the last six months involved Paul Bisengimana, a former *bourgmestre*, who on 14 April 2006 was convicted of crimes against humanity: murder and extermination. He was sentenced to 15 years' imprisonment following a guilty plea. Twenty-eight accused have now received judgments, of whom seven have pleaded guilty.

There has been considerable progress in the six single-accused trials. In a few weeks' time, judgment will be rendered in the *Rwamakuba* and *Mpambara* cases. Therefore, the ICTR will soon have completed cases involving 30 accused. Another two trials, *Muvunyi* and *Seromba*, are virtually completed. Judgments are expected later this year, after the closing arguments.

One new trial, *Karera*, started as scheduled in early January 2006. The prosecution completed its case within 16 trial days. The defence is now midway through the presentation of its case. Let me also recall that the *Mpambara* trial was completed in 28 trial days, during which 26 witnesses and closing arguments were heard. These two cases are new examples of the ability of the ICTR to conduct single-accused trials within a very limited time. In *Zigiranyirazo*, the prosecution case is near completion and the defence will present its evidence after the judicial recess.

The progress in these six single-accused trials will make it possible to commence new trials. Following the recent *Serugendo* judgement, 14 detainees are now awaiting trial. It is expected that three new single-accused trials may commence during the second half of 2006, taking into account Trial Chamber and courtroom availability.

Let me now turn to the five multi-accused trials, which have continued to progress at a steady pace over the past few months. The *Butare* trial, with six accused, is expected to be completed in 2007. The second of the accused has presented his evidence and is now being cross-examined. The *Military I* trial, with four accused, is on course to reach completion of all evidence in 2006. Most witnesses on behalf of three accused have been heard. In the *Government* trial, with four accused, the defence teams are presenting their respective cases. This trial is expected to be completed in 2007. The two remaining joint trials, *Military II*, with four accused, and *Karemera et al.*, with three accused, are now at the stage where prosecution witnesses are testifying.

I have now described the high level of productivity at the ICTR over the past six months, with the Tribunal conducting 11 trials involving 27 accused, and rendering two judgements. All our four courtrooms are in full use. The ICTR remains on course to

complete the trials of 65 to 70 persons by the end of 2008, as indicated in our completion strategy.

The Prosecutor will provide the Council with an update of his plans to transfer cases to national jurisdictions. Let me simply note that the prosecution has made one request for transfer in accordance with rule 11 bis of the rules of procedure and evidence, which was denied by the Chamber. That case is now on appeal.

There are 18 indictees at large. The Prosecutor will provide further information. I wish to stress that cooperation from Member States is vital for the arrest and transfer of these accused, as well as of other persons suspected of having participated in the events of 1994. It cannot be overemphasized that the accused must be brought to justice, either at the international or the national level, in order to determine their guilt or innocence. Impunity for alleged perpetrators is not a viable option.

At the December 2005 meeting, I mentioned the need for cooperation from Member States to accommodate persons who have been acquitted by the Tribunal. Two accused in the *Cyangugu* trial were acquitted in February 2004. Four months ago, in February 2006, their acquittals were confirmed by the Appeals Chamber. They are still in a safe house in Arusha, in spite of numerous attempts by the ICTR to relocate them to possible host countries. That is a serious problem. The ICTR depends on the assistance of Member States.

In order to ensure successful implementation of the ICTR completion strategy, continuity and maximum efficiency are of the essence. In my letter of 21 March 2006 to the President of the Security Council, I therefore asked for an extension of the mandate of the 11 permanent judges, instead of proceeding to elections. In May 2007, which, according to the Statute, is the commencement of the next four-year term for the judges, virtually all of them will be occupied in trials. Some of them will be completing the remaining multi-accused trials, whereas others will be conducting the new single-accused trials which will commence in the second half of 2006. If some of them are not re-elected, the result could be a serious disruption in the work of the Tribunal. In the worst-case scenario, trials may have to start de novo, with new judges.

It is true that a prolongation of the mandate of individual judges who are not re-elected is possible. However, that is not a practical solution. Such a solution has only been used for partially-heard cases and not with respect to other judicial activities, leading to under-utilization of available resources. It would also not be cost-efficient. Moreover, even if our judges are replaced with the most experienced judges from national jurisdictions, new judges joining the Tribunal will need time to acquire the necessary institutional knowledge. That time is not available at this important stage of the Tribunal's life. Elections would mean that judges were elected for a four-year term, from May 2007 to May 2011. However, the completion strategy is built on the premise that the trial judges will complete their work by the end of 2008. Under those circumstances, it is clearly preferable to extend the mandate of the judges for about 19 months, instead of electing them for four years.

I noted with pleasure that the Secretary-General, in his letter of 3 May 2006 to the Presidents of the Security Council and the General Assembly, has requested that the mandate of the judges be extended. It would be highly beneficial to the work of the ICTR if the Council could accede to our request as soon as possible.

It has been a deliberate policy to use the same approach in the various versions of our completion strategy. That makes it easy to compare the information provided every six months and to assess the progress made. Moreover, the document has intentionally focused on the judicial activities of the Tribunal and on the measures adopted by the judges to increase the pace of trials. That being said, it is important to emphasize, in parallel with these core activities, there have been constant endeavours by all three branches of the ICTR also to improve the working methods in other ways, which may be less visible to observers of the Tribunal. As these measures have contributed significantly to our efficiency, this seventh version of the completion strategy contains new annexes.

Annex 6 describes some of the initiatives taken by the Office of the Prosecutor to facilitate the trial of cases. The Prosecutor will address those initiatives in his intervention. For my part, I would like to refer to annex 7, which in table form lists measures adopted by the Registry to support the judicial process. I can assure the Council that this list of commendable initiatives could have been made longer. However, in

the interest of brevity and simplicity, it was not possible to mention in that annex all of the measures that have been implemented. Let me briefly draw attention to only two examples from the list.

The first illustration concerns interpretation. Almost all our witnesses testify in the Kinyarwanda language. Until 2000, we had a system of consecutive interpretation. The interpreter sat next to the witness, took notes and, after having heard a portion of the testimony in Kinyarwanda, started translating it into French. Interpretation then followed from the booth into English. Subsequently, due to extensive training, it was possible to achieve simultaneous interpretation from Kinyarwanda into French and then from French into English. That led to the saving of about 25 per cent of effective court time. More recently, the language section has achieved simultaneous interpretation, not only both ways between Kinyarwanda and French, but also between Kinyarwanda and English. Thanks to that advanced level of interpretation, significant time has been saved and the pace of our proceedings has accelerated.

The second example deals with transcription. All of our proceedings are transcribed by court reporters. Originally, a hard copy of the transcripts was delivered after the daily session. However, as a result of the introduction of *CaseView* software, the transcripts now appear on the laptops of the judges and the parties seconds after the words have been spoken. This makes it possible to follow the testimony even more meticulously, correct mistakes, scroll back, confront witnesses with contradictory testimony, et cetera. Owing to that new system and to the fact that our court reporters are highly qualified, the discussions that used to take place between the parties as to the exact words spoken by the witnesses no longer occur. This innovation has saved valuable court time.

I would also like to draw the attention of the Council to the new annex 5, which gives an overview of the Tribunal's outreach and capacity-building programme in Rwanda. A flagship of the outreach programme is the information centre in Kigali, which receives a large number of visitors from all walks of life. Our capacity-building programme includes the training of jurists, advocates and human rights practitioners. A special fellowship programme for Rwandan students has been operational for the past six years. The Tribunal continues to receive delegations from Rwanda. Direct observation of our trials and discussions with Tribunal officials provided a better understanding of our contribution to justice and reconciliation in Rwanda.

The ICTR also conducts regular workshops in various provinces in Rwanda. The purpose of the workshops is to inform the Rwandan people of the work of the Tribunal. The Tribunal has received funds from the European Commission, which will be used to set up information centres in the various provinces within Rwanda. Negotiations with the Rwandan Government for that purpose are currently in progress.

Rwanda has continued to cooperate with the ICTR by facilitating a steady flow of witnesses from Kigali to Arusha and by providing relevant documents for the court proceedings. This is appreciated by the Tribunal. It is important to avoid delays in the processing of documents. Flexibility by the authorities will contribute to that end.

Let me conclude by thanking the members of the Security Council, the Secretariat and the Member States for their support for the successful completion of the work of the ICTR.

The President: I thank Judge Mose for his briefing.

I now give the floor to Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia.

Ms. Del Ponte: Thank you very much, Madam President, for having given me the opportunity to provide the Council with my assessment of the progress made in the completion strategy and to highlight the problems that we continue to face. A written assessment has already been delivered; I intend to focus on the main issues.

A number of steps were taken internally to increase the efficiency of the Tribunal while maintaining the highest standards expected from an international court created by the United Nations.

In this regard, I have proposed the joining of cases with a similar crime base. I have filed four motions for that purpose, three of which have been accepted by the Chambers. One trial with six accused has already begun. Later this year, a consolidated trial, with nine accused charged with crimes committed in Srebrenica, will start, as will another, with six leading

political and military figures indicted for crimes committed by Serb forces in Kosovo.

My second initiative has been to propose the transfer of cases involving mid- and lower-level perpetrators. That undertaking was met with strong opposition from some victims' groups. However, my assessment of the local judiciaries is that they are now capable of trying such cases. I have thus filed 13 motions, beginning in September 2004, requesting the transfer of cases to the domestic jurisdictions of the former Yugoslavia. There are no other cases at the International Criminal Tribunal for the Former Yugoslavia (ICTY) that could be transferred to the region, as, according to the criteria set by the Council, they all concern the most senior leaders responsible for the most serious crimes.

Thirdly, I have been working with the judges in taking all possible measures to ensure that the Tribunal's own process is as efficient as possible. I have put forward packages of reforms that, if implemented, would significantly accelerate the pre-trial and trial proceedings. Given the seriousness of the cases at the ICTY, it is essential to urgently improve pre-trial management, so that issues are narrowed before the trials start and trials can focus on truly contested matters.

Decisions on key issues must be made long before the beginning of a trial. For instance, it is important that a decision be rendered very soon on a motion regarding the disclosure of materials in electronic or hard copy that I filed in the *Seselj* case over two years ago.

I have also proposed that a much more dynamic approach be taken on adjudicated facts. Such facts have been proven in previous trials, and the Chambers have the power to decide that they must not be proven again in a given trial. The instrument of adjudicated facts is therefore a key tool to reduce the scope of the trials. For instance, the prosecution has proven an international armed conflict in Bosnia and Herzegovina no less than five times, wasting months and months on proving the same facts, sometimes with the same witnesses, in case after case. We will have to prove it again, for the sixth time, in the ongoing *Prlic* trial.

I have also taken the lead in promoting the efficient use of time at trial. For example, in the *Prlic* case, the prosecution has put forward a 10-point plan to streamline the trial, within the time limit set by the President of the Trial Chamber, for the prosecution and defence, respectively, to present their cases and undertake cross-examination. That plan was accepted by the Trial Chamber, and its implementation will have serious positive effects.

During the judges' plenary on 30 May, an amendment to the rules was unfortunately adopted that would allow a Trial Chamber to direct the Prosecutor to cut counts in an indictment. In view of the checks and balances contained in the Statute, and particularly the duties and responsibilities of the Prosecutor under the Statute, such directions by the Chambers can be interpreted only as purely advisory in nature. Only the Security Council has the power to modify the ICTY Statute, which guarantees the independence of the Prosecutor and assigns to her the responsibility of determining which charges to bring in a prosecution.

I am continuously reviewing our cases, and I will not hesitate to cut counts when there are clear judicial reasons for doing so. It is, however, impossible to arbitrarily cut and slice cases which are complex by their very nature. My mandate, given by the Security Council, is to prosecute the most senior officials, that is to say persons who were most often far removed from the crime scenes and whose responsibility can be established only by examining a number of different crimes, often in different geographical areas. Removing one or several counts artificially may seriously undermine the prosecution case. It eventually leads to impunity for certain crimes and does not do justice to the victims, who are already puzzled by the completion strategy.

Allow me to cite an example: Srebrenica. Which counts should I eliminate — those referring to the killings of over 7,000 men and boys, or those relating to the forcible transfer of 25,000 women, children and elderly people? Doing either would mean that I would be presenting only half the picture of the serious crimes that took place in Srebrenica. How can I justify presenting only half the picture of the brutal crimes that took place in the former Yugoslavia? Those are choices that, as a Prosecutor who is also representing the victims, I am not ready to make. It would introduce an unacceptable disparity in the treatment of the persons accused by the Tribunal. There must be no justice à la carte.

Speeding up the proceedings is a top priority of my Office; obtaining the arrest and transfer of the

remaining indictees at large is another. It has been said a thousand times that it is inconceivable that the ICTY could close its doors with Radovan Karadzic and Ratko Mladic at large. I want to stress again before the Council that impunity for these two most serious architects of the crimes committed in Bosnia and Herzegovina, both of whom are accused of genocide, would represent a terrible, terrible blow not only to the Tribunal and its success or failure, but to the future of international justice as a whole.

Serbia has the main responsibility to locate, arrest and transfer all six fugitives. According to my information, Mladic, Tolimir, Hadzic and Zupljanin are in Serbia. Furthermore, there are established leads connecting Serbia to Karadzic, whose location is unknown, and to Djordjevic, who is still believed to be in Russia. The fact that Mladic was an active officer of the army of Yugoslavia until May 2002 — a year and a half after the fall of Milosevic and seven years after he had been indicted — adds to Belgrade's responsibility for its failure to deliver the former General.

Over the past 12 months, the Serbian authorities have repeatedly promised that Mladic would be delivered soon. I was told regularly by Serbian officials that the circle was closing in around him. At the end of April, in view of Serbia's failure to achieve the promised results, I reassessed the whole operation and found out that it had been suffering from grave defects. During 2005 there was no real attempt to locate and arrest Mladic; time was wasted in trying to encourage him to surrender voluntarily. Since the beginning of this year, it seems that further actions have been undertaken. In particular, his support network has been targeted and several of his supporters arrested. These actions have sometimes been spectacular; they fed many news articles, but they lacked the necessary discretion that would have permitted the acquisition of information leading to Mladic.

The most blatant dysfunction is the total lack of cooperation between the military and the civilian authorities. The inconsistencies that I could identify in the various reports provided to me came as another surprise and forced me to suspect that some of the information contained in those reports had been doctored for political reasons. In our cooperation with Belgrade, we have not managed so far to achieve the level of trust and transparency that we have achieved with other countries. I will continue to engage the Serbian Government in the months to come, trying to establish more confidence and better communication.

As for the other aspects of the cooperation with Belgrade, a mission was sent in the second half of May to test the new arrangement agreed upon with the Government of Serbia and Montenegro regarding access to archives. That has been a long-standing problem. The first accounts that I have received from my staff are encouraging.

To sum up, the cooperation provided by Serbia to the ICTY has been and remains very difficult and frustrating. There is serious political and administrative resistance within the system, and strong political will is needed to overcome those obstacles. On the basis of the facts in my possession, I cannot be convinced that Serbia is ready to arrest Mladic. For a number of reasons, the authorities may still prefer to force him to surrender voluntarily.

Republika Srpska, within Bosnia and Herzegovina, also has to substantially increase its efforts to locate and arrest fugitives. While it is unclear whether Radovan Karadzic still sometimes resides in or travels through Republika Srpska, it is certain that part of his network and part of his family remain there. In the reporting period, the cooperation provided by Republika Srpska to my Office has somewhat decreased, because of political reasons and the reshuffling of police personnel. Now that a new team is in place, the search for Karadzic must rapidly intensify. My office has maintained a positive working relationship with Montenegro for over a year, and I expect that cooperation to continue at full speed. Part of Karadzic's family is living in Montenegro, and he can count on numerous supporters there.

I am particularly disappointed about the lack of movement regarding another important fugitive, Vlastimir Djordjevic. The investigation carried out by the Russian authorities, as they told us, has failed to produce results. That will have negative implications for the completion strategy, because if Djordjevic is not surrendered within the next weeks it will be impossible to try him together with his six co-accused. Resources will therefore have to be wasted in a separate trial. Djordjevic is accused of very serious crimes committed by Serbian forces in Kosovo. The long and unexplained delays in the transfer of Zelenovic, who has been detained in Russia since August 2005, do not allow for optimism regarding the

future of the ICTY's cooperation with the Russian Federation.

It is also worrying that a sister organization of the Tribunal, the United Nations Interim Administration Mission in Kosovo (UNMIK), refuses to cooperate fully with the Tribunal. These days, my Office has more difficulties gaining access to documents belonging to UNMIK than it does gaining access to documents in any other place in the former Yugoslavia. Furthermore, UNMIK's leadership is encouraging a climate that deters witnesses from talking to my investigators when it comes to the Albanian perpetrators. Very recently there have been some indications that UNMIK is willing to take a more constructive attitude in its relations with my Office.

In my last report I explained at length why Karadzic and Mladic are still at large more than 10 years after they were first indicted. My assessment remains the same today. Serbia has to do much more to arrest and transfer Ratko Mladic. The arrest of Radovan Karadzic is a shared responsibility of Serbia, Republika Srpska, NATO and the European Union-led peacekeeping force (EUFOR).

It is pathetic that today nobody is actively searching for Karadzic. The planned downsizing of EUFOR will further aggravate the situation. Since no one else seems to have the political will to locate and arrest Karadzic and Mladic, I will have no choice but to seek from the Security Council the powers to arrest fugitives wherever they are and to allocate to my Office the resources necessary for that. Ultimately, I do not see any other way for the ICTY to fulfil its mandate and satisfy the victims' legitimate expectations of the United Nations.

The President: I thank Prosecutor Del Ponte for her briefing.

I now give the floor to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: Since my last report to the Security Council, on 15 December 2005 (see S/PV.5328), the implementation of the completion strategy has continued to progress satisfactorily at the International Criminal Tribunal for Rwanda (ICTR). The recent developments are set out in the revised ICTR completion strategy document which the President of the Tribunal has submitted to the Security Council following consultations with my Office and with the Registry.

In the preceding six months, the Office of the Prosecutor has started the *Karera* case, of which it has since concluded the prosecution phase. The defence phase is currently proceeding. During this period we have concluded three other cases and are ready to commence three new trials before the end of 2006. The Office of the Prosecutor has, as well, successfully negotiated and concluded one guilty plea, in the case of Joseph Serugendo, as the Tribunal President has indicated.

The ICTR continues to face challenges in tracking and arresting the 18 indicted fugitives. In my last report to the Council, I disclosed that the intelligence available to my Office confirmed that indicted fugitive Félicien Kabuga has continued to reside in and carry on business in Kenya. He continues to be at large. His arrest and trial remain a top priority for the ICTR, and indeed for all of us. We have maintained contact with the authorities in Kenya on this issue, and they have promised to collaborate. Nonetheless, he remains at large. I believe that the Government of Kenya needs to be encouraged to fully cooperate with the ICTR in this respect and to make more intensive efforts to track and arrest Félicien Kabuga and transfer him to the ICTR for trial.

The evasion of justice by Kabuga is a matter of concern to all of us, as well as to many civil society organizations both within and outside of Africa. In my meetings with African non-governmental organizations (NGOs) in May 2006, some 60 NGOs signed a petition calling upon the Government of the Republic of Kenya to cooperate with the ICTR in this respect. Local Kenyan NGOs have also indicated their willingness to cooperate with the ICTR. These civil society organizations are playing a valuable role as partners with the ICTR in the pursuit of international justice. They are to be commended and supported. We hope that this partnership among the ICTR, civil society groups, the United Nations and the Government of Kenya, as well as other Governments, will yield dividends.

The tracking and apprehension of the other 17 fugitives continues to rank as a high priority. We therefore continue to emphasize the need for the cooperation of Member States to ensure their arrest and their eventual trial either at the ICTR or in countries

willing to accept cases on referral from the Tribunal. Unfortunately, in the past six months we have not registered any arrest or transfer of a fugitive to the ICTR.

Referral of indictees under rule 11 bis of the rules of procedure and evidence continues to be a slow and challenging process. The first motion for transfer of a case of an indictee to a national jurisdiction was rejected by a Trial Chamber on 18 May 2006. That ruling significantly limits the range of countries available for referral and in that respect could impact negatively on the referral strategy. However, a final decision is now pending in the joint Appeals Chamber of the Tribunals.

The Security Council has, in its resolution 1503 (2003), called on Member States to assist in developing the capacity of those States willing to accept such cases. However, there is a need for more concrete assurances and indications of possible support for such countries, including Rwanda, in order to encourage a more positive response to ICTR requests for acceptance of cases. Support should be provided to national jurisdictions that are willing, but unable due to resource constraints, to receive and prosecute indictees on referral. While we recognize the cost to States, it is absolutely necessary for more States which have the jurisdiction and the capacity to try these cases to come forward and to share this task with the ICTR in order to promote the cause of an international criminal justice system.

I have, since my last report to the Security Council, met Government officials of some four African countries and discussed with them the possibility of referral of cases to those States for trial. Their responses are awaited. While some countries are willing in principle to accept these cases, inadequate judicial capacity continues to be the main obstacle to their effective collaboration.

Rwanda continues to be our major focus for referral of cases of indictees for trial. In that respect, I have received indications from the Government of Rwanda that this year it intends to take the necessary measures for eligibility to receive cases from the ICTR. The eligibility of Rwanda could significantly advance the Tribunal's transfer strategy.

Meanwhile, my Office has been making its own contribution to capacity-building in the Rwandan legal system in anticipation of this development. There are currently seven Rwandan lawyers working in the Office of the Prosecutor, as well as Rwandan investigators and language assistants. We expect that their experience will be useful to the Government of Rwanda generally, and particularly in the handling of referred cases. Furthermore, we have offered eight places for Rwandan prosecutors for attachment to the Office of the Prosecutor in Arusha as our contribution in training Rwandan lawyers. Our staff in Kigali and Arusha will also assist in training Rwandan investigators.

Negotiations with other European States for referral of cases also continue. We await responses in respect of three cases of indictees which the Office of the Prosecutor has identified for referral to Europe.

In a welcome new development, many countries are now increasingly showing a commitment to prosecuting génocidaires residing in their territory who have not been indicted by the ICTR. We have been collaborating with such countries by providing them with the evidence at our disposal to enable them successfully to prosecute such génocidaires. This commitment by States will further contribute to ensuring that there are no safe havens even for persons who may not have been indicted by the ICTR. We strongly encourage other States to adopt such a policy.

Our focus will continue to be the prosecution of the cases currently on trial, the preparation of the cases of the remaining 14 detainees and at most six of the 18 cases of those who are at large, the implementation of a more effective tracking and arrest strategy for fugitives and the continuation of referral proceedings to national jurisdictions in respect of indictees. I propose to request the referral of the cases of some detainees as well as the cases of most of the 18 who remain at large.

We remain confident that the ICTR can conclude the cases of all those indictees currently in detention — either on trial or awaiting trial — by the 2008 deadline of the completion strategy. In my last report to the Council, however, I drew attention to two challenges that we face: the arrest of the fugitives and the referral of cases. Those challenges remain.

We propose to prosecute at the ICTR at most six of these persons at large, including Mr. Kabuga. In accordance with Security Council resolution 1503 (2003), we propose to transfer the remaining cases to national jurisdictions for prosecution. Ideally, all these fugitives should first be arrested and transferred to the

ICTR and then proceed to be dealt with, either by trial at the ICTR or by referral. Where they remain at large, their cases could still be referred to another country. But the need for arrest in order to enable the case to proceed in the referee country will remain. International cooperation in the arrest and transfer of fugitives to the ICTR or to the referee countries thus remains imperative.

In the event that for any reason the cases earmarked for referral — currently numbering at least 17 and possibly rising to 20 — cannot be transferred to national jurisdictions, the burden of prosecuting those cases will fall back on the ICTR. That will constitute a substantial increase in our workload and present a real challenge to the completion strategy.

Meanwhile, internally, we have continued to develop and implement internal strategies to facilitate the speedy trial of cases, including the improvement of management of the Office of the Prosecutor and the use of technological tools. One such improvement is the electronic disclosure system, a computer-based information management system containing all the non-confidential evidence and other information held by my Office. That store of information, which is available to the defense on application via the Internet, enables defense counsels to access our information database from anywhere in the world 24 hours a day and seven days a week. The most important benefit of the system is that it facilitates compliance by the Office of the Prosecutor with its disclosure obligations under the rules of procedure and evidence and speeds up the trial process.

Others tools have also been adopted, such as the Intranet and the CaseMap systems, as set out in greater detail in the completion strategy document. We are at the moment also in the process of formulating best practices and standards in various aspects of the investigation and trial process, as well as developing manuals and procedures to ensure adherence to those practices and standards.

All of those tools are designed to inject greater efficiency into the Office of the Prosecutor in the discharge of its prosecutorial mandate and to accelerate and expedite the prosecution of cases. We are continuously engaged in the process of reviewing our working methods and strategies to that end. In March 2006, we held our second major strategic review, which gave us the opportunity to identify the measures which we need to take to ensure the success of the completion strategy. Out of that process we have developed a strategic plan, which we hope will be useful in guiding us for the remaining years of the mandate.

Whilst all of those internal measures taken at the Office of the Prosecutor, together with others instituted in the Registry and the Chambers, will enhance greater efficiency, the two challenges of arrests and referrals of cases remain the most pressing issues for the Tribunal.

I would like to seize this opportunity to thank you, Madam, and the Security Council, the Secretariat and Member States, which continue to actively support the Tribunal towards the successful implementation and completion of its mandate.

The President: I thank Mr. Jallow for his briefing.

I now invite Council members who wish to make comments or to ask questions to so indicate to the Secretariat.

Mr. Oshima (Japan): I would like to thank the Presidents of the two Tribunals, Judge Fausto Pocar and Judge Erik Møse, as well as the Prosecutors of the Tribunals, Ms. Carla del Ponte and Mr. Hassan Jallow, for their reports to the Security Council.

Japan understands that both Tribunals have been continuing their efforts to achieve justice. We reiterate our position that both the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) should be strongly encouraged to meet their completion strategies by exploring all measures necessary and appropriate.

In that connection, we expect that the large-scale, multi-accused trials recently introduced in the ICTY will successfully accelerate the conduct of trials, while meeting the requirements of due process. Japan supports the extension of the term of office of the 11 permanent judges of the ICTR from the point of view of fulfilling its completion strategy. In his report to the Council, Judge Møse has repeated his position that

> "it is difficult at this stage to indicate a completion strategy for the ICTR Appeal Chamber, as it is linked to the ICTY completion strategy" (*S/2006/358, annex, para. 8*).

We believe that thorough consideration should be given to achieving better coordination and scheduling between the two Tribunals as early as possible.

With regard to the enquiries into the deaths of Milan Babic and Slobodan Milosevic, we appreciate the cooperation of the Governments of the Netherlands and Sweden. We encourage the ICTY to fully implement the recommendations made by the Swedish auditors on ways to improve the transparency of the conditions of detention.

Japan remains concerned that the arrest and transfer of the key remaining fugitives — especially Radovan Karadzic and Ratko Mladic to the ICTY, and Félicien Kabuga to the ICTR — have not yet been realized. While we note that the Government of Serbia has begun the eradication of the assistance network of Mladic, we are informed that there currently is no trace of his whereabouts. We strongly urge all the relevant States, including Serbia, to make their utmost efforts in that regard.

The international community, including my Government, is strongly committed to bringing about justice and ending impunity. Japan, however, believes that achieving justice requires not only the will of the international community, but also resolution on the part of the States concerned. If both Tribunals should wait for an essentially indefinite period for the transfer of the remaining fugitives, and our support for the Tribunals should come to be considered unlimited, it would be very difficult to justify our support for the Tribunals through the Member States' assessed contribution. We would like to reiterate our view that possible funding beyond the deadline set by the completion strategies should be met through voluntary contributions by States concerned and by States especially interested.

The time has come for us to shift the focus of our activities to capacity-building and outreach activities at the regional and national levels. We must achieve real justice and confidence in the reconciliation process. To do so, we should strengthen cooperation with the goal of establishing the rule of law and formulating a mechanism to ensure fair trials at the regional and national levels. From that point of view, Japan, in cooperation with the United Nations Development Programme, has been assisting the War Crimes Chamber in Bosnia and Herzegovina by training judicial staff members and providing it with needed equipment. We have also been considering extending further assistance to judicial institutions in Bosnia and Herzegovina. We note with appreciation that both Tribunals have established outreach programmes in order to raise awareness and provide the public and the media with information. We hope that those commendable efforts will be strengthened and that they will bear fruit in the four and a half years that remain.

In conclusion, we once again call upon both Tribunals, with the cooperation of relevant States, to fulfil the purposes of their establishment by bringing to justice all the remaining fugitives by the deadlines of their completion strategies. We strongly hope that the efforts of the international community over 10 years will be fully integrated into regional, national and community capacities.

Mr. Manongi (United Republic of Tanzania): We join in welcoming Judge Pocar and Judge Møse, as well as Prosecutors Carla del Ponte and Hassan Jallow, and thank them for their presentations.

We are pleased to note that there is progress being made by the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) as they work to execute their respective completion strategies. We commend the judgements that have been concluded and delivered, and look forward to further progress in that regard. We also note the outstanding work and challenges that continue to confront the two Tribunals.

With regard to the International Criminal Tribunal for Rwanda, one such challenge is the disappointing recognition that 18 indictees still remain at large. In our view, that makes a statement about the lack of full cooperation by States with the ICTR.

Bearing that constraint in mind, we are pleased to note that the ICTR is still within the scope of implementing its completion strategy by 2008. However, the appeals process presents a different picture. It is doubtful whether appeals from the ICTR can be accommodated by the ICTY Appeals Chamber by the projected date of 2010. Obviously, as the workload on the Trial Chambers of the two Tribunals decreases, the load will be shifted to the Appeals Chamber. At some point the Council may have to address the question of increasing the number of judges in the Appeals Chamber, to facilitate the overall completion strategy.

Once again, we commend the ICTR for the adoption of measures that have made it possible to speed up trials, for the solution found with regard to the problem of obtaining witnesses from Rwanda, and for the Trial Chamber provisions allowing for two defense counsels, under which, in the absence of one, the other would be available to continue representing a defendant.

The transfer of cases to national jurisdictions is an important factor in the completion strategy as provided in resolution 1503 (2003). We welcome the fact that the ICTR Prosecutor intends to transfer five of the 15 detainees awaiting trial at Arusha to national jurisdictions and is also considering the transfer of over 40 case files, including those of 12 indictees who are yet to be apprehended.

However, we are concerned by a report that the Office of the Prosecutor may face problems in undertaking the transfer exercise. Some of the setbacks are national laws that do not confer jurisdiction to prosecute, the inability of some countries to handle the cases and the lack of resources to support such complex prosecutions. That is a challenge that countries need not face alone. Indeed, we recall that resolution 1503 (2003) called on the international community to assist national jurisdictions, as part of the completion strategy of the Tribunals, in improving national capacities to prosecute cases transferred from the ICTY and ICTR to national jurisdictions.

There is therefore a need to obtain specific proposals from the Secretariat, and indeed from the Tribunals, as to what concrete mechanisms can be put in place to implement that particular element of the resolution as a way of truly supporting the completion strategy that the Council has established for the two Tribunals. In addition, since the bulk of those cases concern Rwanda, we note that the Prosecutor is still discussing the question of the death penalty with the Government of Rwanda. That is a sensitive issue that risks the imposition of double standards on similar crimes. We welcome the fact that there is progress being made to bridge the differences that exist.

However, another important issue is that of the availability of resources to Rwanda to enable it to handle the workload. Rwanda is still overwhelmed by the ongoing genocide trials. It is important to lay down a strategy to build the capacity of the Rwandese judicial system to enable it to handle the cases referred to it under Rule 11 bis. We applaud the efforts that the ICTR has exerted to that end.

Lastly, with regard to the ICTR, Tanzania supports the request for the extension of the mandate of 11 judges for a period of 19 months beyond their current terms. As pointed out by Judge Erik Møse, that course of action will avert potential disruption in the work of the Tribunal.

Turning to the International Criminal Tribunal for the Former Yugoslavia, we commend the further steps proposed by the working group on speeding up trials, chaired by Judge Bonomy. We pay tribute to the sensitivity shown to the fact that the imposition of any measures cannot be at the expense of due process.

We are conscious of the fact that while implementing the ICTY completion strategy by 2009 remains relevant, it stands to suffer from a number of factors, such as the availability of witnesses and difficulties pertaining to State cooperation in the apprehension of indictees. Such lack of cooperation not only undermines the Tribunal's jurisdiction, it also delays justice for the victims and for the people of the former Yugoslavia.

It is in that sense that we consider the matter of State cooperation as an issue of the utmost importance for all Member States of the United Nations and for the international community. A serious commitment by all countries will deny shelter to fugitives from the jurisdiction of both the ICTR and the ICTY. We have to shoulder our responsibilities in apprehending them and handing them over to the two bodies for justice and closure.

Finally, we appeal to United Nations Member States to pay their contributions to the two Tribunals in full and on time. Contributions from Member States are critical if the Tribunals are to fulfil their mandates and meet their completion strategies. It is unfortunate that those contributions have often been lacking when they were needed most. Those circumstances need to be reversed, in the interest of our collective pursuit of justice, peace and stability.

Mr. D'Alotto (Argentina) (*spoke in Spanish*): We would like to express our thanks for the presentation of the biannual reports of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and to Presidents Fausto Pocar and Erik Møse. We

would also like to thank Prosecutors Carla Del Ponte and Hassan Bubacar Jallow for their reports.

With regard to the Tribunal for the Former Yugoslavia, we are pleased to note that the work done in the past six months has brought about progress in the completion strategy, both in the Trial Chamber, which is working to the fullest capacity, and in the Appeals Chamber, which is preparing cases for trial. We also note with interest that the trials of multiple accused will begin in July and August this year, and that there has been a reduction in the number of cases awaiting trial.

We believe that, despite the publicly known events that have taken place in the framework of the Tribunal, it has nevertheless been possible to affirm the responsibility of the perpetrators of genocide violations of international human rights, as well as to create the conditions necessary for the restoration of justice.

We affirm our belief in the importance of the measures that have been adopted and the proposals that have been made by the working group on speeding up trials to implement the completion strategy. We would especially like to underscore the more active role being played by pretrial judges in preparing cases, which should bring about greater cooperation and speed up trials. We also believe that all the measures referred to in paragraphs 20 and 27 (S/2006/353, annex 1) are useful, in particular those that will speed up the engagement of the defence. Proposals to limit the duration of pleadings by the defence and prosecutors should always be balanced against the requirements of due process.

We support efforts to develop the requisite capacity in national jurisdictions to try intermediate and lower-ranking accused. We hope that the necessary funds will be forthcoming.

Finally, we would like to point to my country's ongoing judicial cooperation with the Tribunal and with the Security Council. That cooperation manifested itself in the speedy extradition and transfer to The Hague of Mr. Milan Lukic, in February 2006. We hope that the most intensive efforts will be made to track and extradite the six high-level fugitives, in particular Radovan Karadzic and Ratko Mladic. As is clearly stated in the report, this is an indispensable step in the peace, reconciliation and development process in the region.

As regards the International Criminal Tribunal for Rwanda, my delegation welcomes the start of trial proceedings for 27 persons, and we support the proposal to transfer some of the 15 detainees to national jurisdictions. We also take note of the fact that the cases of 54 persons have either been completed or are under way.

We would like to urge that the Prosecutor continue to make intensive efforts to apprehend those still at large. Over the next few months, we will have to consider ways and means of increasing resources and, probably, the number of judges in the Appeals Chamber of the ICTY, which also hears Rwanda's appeals. We are convinced of the importance of finalizing the completion strategy by 2010, as set out in resolution 1503 (2003), in keeping with the norms and principles of due process.

Mr. Al-Qahtani (Qatar) *(spoke in Arabic)*: At the outset, my delegation would like to associate itself with previous speakers in extending our sincere thanks to the President and the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and to the President and the Prosecutor of the International Criminal Tribunal for Rwanda. We would like to thank them for their comprehensive briefings to the Council, which covered the efforts that both Tribunals have made over the past six months. We take this opportunity to commend both Tribunals once again for the important work they are doing in the interests of peace and national reconciliation and for the progress that they have achieved over the past period.

The completion strategy, which the Security Council called on the two courts to implement in its resolution 1503 (2003), is well under way, and a number of steps have been taken, including measures to transfer intermediate- and low-level defendants to national jurisdictions and to make greater use of the ad litem judges.

In the context of those efforts, we would like to stress the importance of the recommendations made by the working group on speeding up appeals and trial, as noted in the report issued last February. Those recommendations include increasing the efficiency of the ad litem judges and enhancing pretrial procedures, the initiation of the e-Court system and the transfer of certain cases to national jurisdictions.

The most recent inquiry conducted by the ICTY and the Dutch authorities has concluded that Slobodan

Milosevic died of natural causes, thus dispelling all suspicions raised by the media. We would like in that regard to stress that the fact that Milosevic's trial ended prematurely will not have an impact on the overall work of the Tribunal, since the trial was already in its final stages.

Once again, we would like to stress the obligation of the United Nations to enhance the work of both Tribunals so that those responsible for the most grievous violations of humanitarian law can be brought to justice. In doing so, it must respect the rights of all defendants and enhance cooperation to extradite the accused. The non-extradition of such accused persons would gravely undermine the work of the Tribunals. We would like to appeal, therefore, to the Government of Serbia to fulfil its obligations to the international community in accordance with resolutions 1503 (2003) and 1534 (2004), particularly with respect to the capture of Mladic and Karadzic and their extradition, in order that justice may be upheld. We should also not fail to mention the 18 accused who should stand trial before the International Criminal Tribunal for Rwanda, so as to ensure that justice is done – justice which has been lacking in that part of the world.

Both Tribunals should continue to make the utmost efforts to improve their administration and enhance their efficiency. The victims of those grievous violations of international law are counting on both courts to uphold justice. We therefore urge the Tribunals to continue to make the utmost efforts regarding the application of the law in the cases before it, within the framework of the completion strategy.

Since we have been given the opportunity to ask some questions of both Presidents and Prosecutors, I would like to inquire if, since the report was prepared, further efforts have been made by the tribunals, particularly the Rwanda Tribunal, with respect to trying Mr. Taylor before the Special Court for Sierra Leone. Have they been able to provide any services to the Special Court for Sierra Leone in the trial of Mr. Taylor, or has that not been possible to date?

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to thank President Pocar and Prosecutor Del Ponte of the International Criminal Tribunal for the former Yugoslavia (ICTY) as well as President Møse and Prosecutor Jallow of the International Criminal Tribunal for Rwanda (ICTR) for the reports on their respective tribunals.

China welcomes the recommendations submitted by the working group on speeding up trials aimed at enhancing the efficiency of the proceedings. We believe that it is in the interest of the Tribunals to enhance the efficiency of their proceedings, drawing on the strengths and advantages of the civil law as well as the common law system, and embark on a trial process that is closely managed by the judges of the tribunals.

We note also that the ICTY is making consistent efforts to refer cases involving intermediate- and lower-ranking accused to the competent national jurisdictions. However, we believe that, due to a multitude of factors, the progress achieved and the results of the work done in that area are not evident enough.

With respect to the ICTR, we appreciate the consistent manner in which it is carrying out its work as well as the ongoing efforts it has been making to implement the completion strategy. We are also satisfied with the efforts of the ICTR in terms of transferring cases involving intermediate- and lower-ranking accused to the competent national jurisdictions. In addition, we are immensely interested in the ICTR's outreach programme.

As we approach the deadline set in the completion strategies, the Security Council has done considerable work for the purposes of attaining those goals, including, in response to the recommendation and requests of the Tribunals, adopting resolutions in support of the work of the Tribunals. We believe that, in order to ensure the successful completion of the work of the Tribunals, it is worth considering extending, where appropriate, the mandates of the judges and increasing, where necessary, the use of ad litem judges to assist in the work of the Tribunals.

In order to carry out the completion strategies, it would be right for the Tribunals to focus on improving the efficiency of their proceedings. At the same time, we also urge the Tribunals, the ICTY in particular, to continue working on referring cases involving intermediate and low-ranking accused to competent national jurisdictions. For that purpose, we appeal to countries in a position to do so to continue to provide further financial and technical assistance, and to assist countries in the region in their judicial capacity-building, so that they will be equipped, sooner rather than later, to conduct trials. In addition, cooperation between and among countries in the region represents

an important guarantee of the timely completion of the mandates of the Tribunals.

Lastly, it is our hope that the Security Council will consider as soon as possible the arrangements for work after the two Tribunals have completed their mandates. We believe that this is part and parcel of the effort to promote the implementation of the completion strategies of the Tribunals.

Mr. Gayama (Congo) (*spoke in French*): I too wish to thank the Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and their respective Prosecutors, for their briefings to the Council.

The assessment reports (S/2006/353 and S/2006/358) before us give us an opportunity to underscore the Security Council's active contribution in the development of ICTY and the ICTR, as well as the major role that the two Tribunals continue to play in the fight against impunity. We are particularly pleased to note that progress since the previous report continues steadily towards achievement of the goals set forth in the framework of the completion strategies of the two courts, as reflected in the noteworthy evolution of the Tribunals' rules of procedure, of which we take note. Moreover, we may call this a success for international law.

In general terms, the reports enable us to appreciate the ongoing concern of the judges to seek out effectiveness in their procedures without harming the need to protect the rights of the defence and respect for human rights.

The recommendations adopted by the working group on speeding up trials, the use of ad litem judges and the referral of certain cases to competent national courts make it possible to put in context the judgement that it would be improbable that all trials could be completed prior to 2009.

In the view of my delegation, all solutions aimed at speeding up trials and appeals — such as changing the number of cases dealt with by the Tribunal, setting up mechanisms for tracking fugitives, ensuring conditions of detention that will minimize the risk of physical failure, removing all material or procedural constraints in all trial phases — can make it possible to achieve the goals that have been set and meet the deadlines that have been established. To that end, we encourage the working group to continue its efforts. We also encourage the judges to work together more closely in order to find concrete and achievable solutions. We know how useful it is to ensure this necessary interaction among individuals who deal with the same types of activities.

Today's reports also highlight the paramount role played, first and foremost, by regional cooperation, as well as by international cooperation as important elements in the completion strategy. Such cooperation has brought about further improvements because it has made it possible to transfer a large number of indictees who were at large. However, in many other areas, we must observe that cooperation continues to be insufficient. The Prosecutors have been very clear on that point.

It is clear that the cause of justice would not be served if the primary perpetrators of heinous crimes who have affected many innocent victims were not brought before the Tribunals established for that purpose. Moreover, the delays in arresting the principal fugitives further lengthens, uselessly, the timetables for the work of the Tribunals.

To respond appropriately to the major need for national reconciliation, which should be seen only in terms of truth, the effective administration of justice continues to be the only parameter to ensure a solid basis to restore the fabric of nations that have particularly suffered due to the crimes of which we are all aware.

We also share the view that the Council needs to demonstrate greater resolve and call for cooperation from States in apprehending and transferring the indictees who are being sought. The responsibility of these States, like that of the Council and of the international community, is great in this respect: all with the ability to use force must use it here for a cause that is transcendent, because we are talking about cause of truth.

There are certainly other elements that need to be taken into account because of their impact on the completion strategies. These elements include the availability of judges, whose role clearly needs to be strengthened, but also training based on needs. On the regional level — here I am particularly referring to the African region — and in the context of referrals of certain cases to national jurisdictions, it is just as important to strengthen national capacities. That

remains the best guarantee against overwhelming the Tribunals and is also important in terms of time management, given that time in these cases is crucial.

Since these factors have a decisive role in the completion of trials, we should also underscore the need to ensure that financial resources are made available by the international community, without overlooking the need for increased Security Council involvement insofar as uncertainties with respect to cooperation from certain Administrations, as has been stated, can seriously undermine the Tribunals' completion of their missions.

At this juncture, my delegation would like additional information about the way in which cooperation takes place between the Tribunals and the States that are called upon to cooperate with them. Judge Erik Møse, President of the International Criminal Tribunal for Rwanda, referred to his comments at the 2005 meeting and to the fact that the acquittal of a number of individuals in the *Cyangugu* trial four months ago, in February 2006, did not lead to their being subsequently relocated in certain host countries. Our colleague from Qatar referred to the case of Charles Taylor. A little while ago it was being said that it was difficult to find a country that would receive him following his trial — if, indeed, there is a trial.

What is the situation with respect to Rwanda at this time? Is it Rwanda itself — the country from which the accused persons originate — that is impeding their return, or are there third countries that are not cooperating satisfactorily in terms of receiving those persons whose trials have been completed?

Ms. Willson (United States of America): The United States remains strongly committed to providing significant financial and diplomatic support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and appreciates the work of its President, Prosecutor and Registrar to bring to justice those most responsible for serious violations of international humanitarian law.

We regret Slobodan Milosevic's death as his trial was nearing completion. However, the accumulation of testimony and evidence brought to light has helped to ensure accountability for the atrocities committed in the Balkans and reconciliation for those who have suffered as a result of such crimes.

We welcome the Tribunal President's report on the conclusions of the investigations looking into the circumstances of Milosevic's death. We believe that the three inquiries initiated by the ICTY were thorough and appropriate responses. We commend the President's handling of this issue and his commitment to implement the recommendations of the inquiries.

The focus of the Tribunal and the international community should now be on the road ahead. Milosevic's death makes more urgent the successful completion of trials already in progress and the apprehension and transfer of those still at large.

In this regard, the United States appreciates the work of the President and the Prosecutor to increase Tribunal efficiency and meet the Tribunal's completion strategy targets of concluding trials by 2008 and all work by 2010, as endorsed by the Security Council. For example, we welcome the initiatives detailed in the President's report aimed at increasing the efficiency of pre-trial proceedings. We would also welcome attention to ensuring that the existing indictments are sufficiently focused.

The success of the completion strategy does not depend solely on the Tribunal, however. The international community can help by supporting the Tribunal's efforts to help create the capacity for domestic trials of low- and mid-level cases. We note the significant work being done in Sarajevo, Belgrade and Zagreb in that regard, and urge other States to contribute to domestic war crimes prosecutions through either direct financial assistance or in-kind contributions.

We call on all States to fulfil their legal obligations to cooperate fully with the ICTY. Such cooperation includes access to relevant and necessary information, as well as the apprehension of all fugitive indictees within their territory and their transfer to The Hague without further delay.

The United States calls on Serbia and Montenegro and the Bosnian Serb authorities to fulfil their obligations to the ICTY, in particular through the apprehension and transfer to the Tribunal of Radovan Karadzic and Ratko Mladic, for whom the Tribunal's doors will always remain open. The United States and others in the international community have made clear to Serbia and Montenegro and the Bosnian Serb authorities that upholding international obligations to the ICTY is a prerequisite for further integration into

the Euro-Atlantic community. As long as Karadzic and Mladic remain at large, Serbia and Montenegro and Bosnia and Herzegovina will not be able to engage fully with Euro-Atlantic institutions.

We are disappointed that, despite many statements of intent from the Government of Serbia, progress has not been made on the apprehension of Mladic. We call on Serbian Prime Minister Kostunica as head of Government and on Defence Minister Stankovic to intensify their efforts to apprehend and deliver Mladic and all other fugitive indictees to The Hague. Efforts will be judged not only by words, but by results. The international community must continue to exercise additional scrutiny of Serbia and Montenegro and the Bosnian Serb authorities to ensure their full cooperation with the Tribunal.

The United States also expresses its appreciation to President Møse and Mr. Jallow for their reports to the Council. The United States remains strongly committed to the International Criminal Tribunal for Rwanda and is pleased to note the increased pace of trials under the leadership of President Møse. We must all continue to work together to ensure the success of the Tribunals completion strategy, which seeks to conclude trials by 2008 and all work by 2010, as was previously endorsed by the Security Council.

To facilitate the implementation of the completion strategy, President Møse has recommended that the terms of office of the Tribunal's current permanent judges be extended to 31 December 2008. The United States supports that proposal and agrees with President Møse that that measure will provide continuity and avoid delays that would necessarily result if new judges were to be elected in 2007.

We again call on all States, particularly Kenya and the Democratic Republic of the Congo, to fulfil their international obligations to apprehend and transfer to the International tribunal all persons indicted for war crimes by the Tribunal who are within their territory. Those fugitives continue to foment conflict in the Great Lakes region and must be actively pursued and apprehended, consistent with numerous Security Council resolutions adopted under Chapter VII of the Charter, including resolution 1534 (2004) and resolution 1503 (2003).

Mr. Christian (Ghana): I wish, on behalf of Ghana's delegation, to thank the Presidents and the Chief Prosecutors of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their comprehensive briefings to the Council.

The ICTY has played a vital role in strengthening the rule of law in the States of the former Yugoslavia by investigating and bringing to trial those accused of war crimes and genocide. We take this opportunity to commend the President, the Chief Prosecutor and their staffs for their dedication to duty, their professionalism and their commitment, which have contributed in no small measure to the Tribunal being regarded as an inspiration and model for other international tribunals. The work both of the Trial Chambers and of the Appeals Chamber is testimony to that fact.

We are encouraged that the ICTY has remained very productive in spite of the difficulties encountered with the deaths of two of its well-known defendants and that it rendered judgements and issued decisions in the Trial and Appeals Chambers.

While we appreciate those achievements, we wish to express our concern about the generally slow pace of trials. Unreasonably lengthy trials not only use up the limited resources of the Tribunal, but also have the potential to compromise the completion strategy of the court, in view of the long waiting list of accused persons. It is important that public and international confidence in the Tribunal and in its procedures be maintained. Trials bogged down by delays and overcomplicated rules of procedure may not be the best way for the Tribunal to project an image of transparency and efficiency.

It is for that reason that we welcome the report of the working group on speeding up trials, and we are happy to note that its proposals are being implemented. We also support the idea of referring less serious cases to national jurisdictions as a means of easing the caseload. In pursuing that option, the international community should support the Tribunal in its efforts at capacity-building for national courts to enable them to handle cases efficiently.

The fact that six persons wanted for the most egregious violations of human rights and for war crimes are still at large is a source of great concern to my delegation. We call on the States of the former Yugoslavia to cooperate with the Tribunal in bringing those fugitives to justice. The mandate of the Tribunal cannot be regarded as having been fully implemented when the most serious violators are still at large.

With regard to the question of the completion strategy, it may be too early to assess whether the time limits set out in resolution 1534 (2004) will be met by the Tribunal. However, we believe that there should be room for Council flexibility on this matter, depending on how events unfold.

We wish to commend the International Criminal Tribunal for Rwanda for the fundamental role it has played towards peace and reconciliation in Rwanda. Its work has been crucial in restoring democracy and the rule of law in a country that has suffered the traumatic consequences of genocide. We are pleased to note that the ICTR has completed all investigations, as requested by resolution 1503 (2003), and that it has endeavoured to meet the targets set in the completion strategies of 2004 to 2006.

The ICTR is committed to bringing to justice those persons most responsible for genocide and violations of international humanitarian law committed in Rwanda in 1994. It requires sufficient resources to accomplish that task and to respect the time frame laid down by Security Council resolutions 1503 (2003) and 1534 (2004). In that regard, we support the request made in the report for an increase in the number of personnel in the ICTR Appeals Chamber to enable it to complete its cases by 2010. We also call on Rwanda's neighbouring countries and the international community to cooperate with the ICTR in apprehending accused persons still at large.

The two Tribunals have largely succeeded in accomplishing the tasks for which they were set up. The successful completion of their work will depend not only on the competence of their judges and other staff, but on the international community's continued commitment to the fulfilment of their mandates.

Mr. Pereyra Plasencia (Peru) (*spoke in Spanish*): I wish to thank the Presidents and the Prosecutors of the two Tribunals for the detailed and comprehensive reports presented on the work carried out over the past six months.

Peru holds a firm position of respect for international law, defence of human rights and opposition to impunity. Those are the central elements of our foreign policy. In accordance with those principles, we support the work of the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

We welcome the efforts that both Tribunals and Prosecutor's Offices are undertaking to comply with the timetable set out in their completion strategies. While we recognize the difficulties of precisely predicting particular stages in that context, we appeal to them to continue doing what is necessary to comply with the timetables envisaged in the completion strategies. However, I must stress that in this process it is essential to establish the proper balance between the need to meet the deadlines and the need to observe the strictest standards of due process.

In order to render justice for the victims of the atrocities being considered by both Tribunals and to comply with the completion strategies, the full cooperation of States is fundamental. More than 10 years have passed since the Security Council created the International Tribunals for the Former Yugoslavia and Rwanda, and important leaders accused of having committed serious crimes still remain at large. That situation can continue no longer. The fugitives must be arrested, and, once they are in the custody of a State, that State must make the accused available to the Tribunal as soon as possible. Other forms of cooperation — such as, inter alia, access to documents and witnesses — are also essential to ensure that trials are not unnecessarily delayed.

Another important element in complying with the completion strategy is the appropriate referral of cases involving intermediate- or lower-rank accused to competent national jurisdictions. To ensure that such referrals are successful and that national judicial proceedings accomplish the task of putting an end to impunity, it is crucial that the referral process be accompanied by the capacity-building of national judicial systems. We recognize the work being carried out by both Tribunals in that regard, and we urge that those processes receive the necessary international assistance.

The strengthening of national judicial systems will not only have an impact in terms of trials referred from the International Tribunals; it also has the potential to have a significant long-term impact in terms of the effectiveness of the rule of law and improvements in the administration of justice in the countries involved.

With regard to the International Tribunal for the Former Yugoslavia (ICTY), we emphasize that an independent audit of the United Nations Detention Unit

is being carried out. We hope that the recommendations it produces will soon be implemented.

The Security Council, at the request of the ICTY and the International Criminal Tribunal for Rwanda, has approved various measures aimed at accelerating their work and facilitating compliance with their completion strategies. My delegation is prepared to continue to consider such requests and to provide the Tribunals with the support necessary to put an end to impunity for the horrendous crimes committed in the former Yugoslavia and Rwanda.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I thank the officials of the two Tribunals for their briefings and for the reports (S/2006/353 and S/2006/358) submitted to the Security Council, in accordance with resolution 1534 (2004), on the implementation of the completion strategy for their work.

I wish to commend the progress made by the International Criminal Tribunal for Rwanda (ICTR) in the past six months. We are sympathetic with regard to the difficulties faced by Arusha in transferring intermediate- and lower-rank accused to national courts. We believe that the Tribunal's work is particularly important in enhancing the capabilities of the Rwandan courts. It is our view that the referral of cases to national jurisdictions is central to the effort to implement the ICTR completion strategy in a timely way.

Turning to the International Criminal Tribunal for the Former Yugoslavia (ICTY), the situation that has emerged following the death of Mr. Babic and Mr. Milosevic at the Scheveningen detention centre is of the greatest concern. As members know, at the 30 April video conference we questioned Tribunal officials about the circumstances of what took place. Prior to the issuance of the reports before us today, we provided the ICTY with a more detailed list of questions, but unfortunately we cannot say that the information we received was adequate or that it addressed all of our concerns.

It is surprising and strange that, although Milosevic was repeatedly referred to as the ICTY's primary indictee, his health problems were not properly monitored. It is hard to comprehend that following the detection of a non-prescribed medication in the defendant's blood the Tribunal did not immediately conduct an inquiry and that when Milosevic's health deteriorated the International Criminal Tribunal for the Former Yugoslavia made no attempt to admit him to a clinic in the Netherlands. The Trial Chamber committed a grave error in not releasing him for treatment in Moscow, where routine medical procedures would have been carried out. The guarantees provided by the Russian Federation, a permanent member of the Security Council, were rejected. I cannot fail to note that the Russian public was shocked by the tactless statement made by the ICTY Prosecutor following the death of Slobodan Milosevic.

The upshot here is that medical assistance was denied to a man who needed it. Does the ICTY not recall the presumption of innocence? Having proven nothing, the Tribunal is left without its primary indictee, whose case had consumed some three years and vast amounts of money. What lessons has the Tribunal drawn from all of this? "We did everything correctly".

But the ICTY was incomprehensibly humane in another case. It decided on the provisional release of the former Prime Minister of Kosovo, Mr. Haradinaj. The shortsightedness of that action is self-evident. The report of the Prosecutor contains criticism of that individual's relationship with the United Nations Interim Administration Mission in Kosovo (UNMIK). The support for Haradinaj expressed by the head of UNMIK was clearly aimed at undermining the Tribunal's indictment against him. This casts an overall taint on UNMIK.

Returning to the report, I wish to state that we do not accept its negative assessment of cooperation between Russia and the Tribunal. Russia has made the necessary efforts to meet the Tribunal's requests for assistance and to inform it immediately of results in that regard. The Russian Federation is meeting all of its obligations with respect to financing the Tribunal. Over the course of the ICTY's existence, we have contributed some $16.5 million to its budget, including $1.7 million for 2006, which was paid in April.

With respect to the individuals referred to in the report, the investigation by the competent Russian agencies did not confirm the Tribunal's information concerning the whereabouts of Vlastimir Djordjevic. Those agencies continue their search for Mr. Djordjevic, and the ICTY has been kept informed of this on a timely basis.

With regard to Dragan Zelenovic, we wish to refute the information in the report about the alleged release of that indictee from detention. For reasons known to the Tribunal, Zelenovic remains in the pre-detention centre in the city of Khanty-Mansi.

We have noted that in the assessments of the Tribunal leadership there is, unfortunately, a trend towards curtailing the process of referring the cases of intermediate- and lower-ranking accused to national courts in the region. In our view, the Security Council must take additional steps to ease the Tribunal's workload so that it can focus its efforts on ongoing trials and fully comply with the completion strategy within the time frame established by the Council. The Prosecutor must be in a position to take the decisions and make the choices that are necessary to ensure that the Tribunal's work is more effective.

There is concern about the costs of the Tribunal, which are growing for unknown reasons. Its budget has risen from $223 million in 2002-2003 to $276.5 million in 2006-2007. The number of staff is no less impressive: there are 1,146 staff members. The Russian Federation therefore maintains the firm view that the ICTY must strictly comply with its completion strategy. Unwarranted delays or costs in its operation have already had a negative impact on the Tribunal's image throughout the world. The only proper course is to complete the activities of the ICTY in a timely manner and in conformity with the timetable established by the Security Council. We must not adopt policies of legal fantasy, such as the Tribunal's cloak-and-dagger operations to seek the arrest of persons in the territories of individual States.

Mr. Llewellyn (United Kingdom): We thank the Presidents of the two Tribunals — Judge Pocar of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and Judge Møse of the International Criminal Tribunal for Rwanda (ICTR) — and the two Prosecutors — Carla Del Ponte of the ICTY and Hassan Bubacar Jallow of the ICTR — for their presentations this morning.

Let me begin with the ICTR. The United Kingdom strongly supports the ongoing work of the ICTR. We welcome the specific measures taken by the various organs of the ICTR to ensure that the work of the Tribunal proceeds in a timely fashion. We encourage the Tribunal to keep up that momentum in accordance with its completion strategy. We emphasize the need to bring to justice those indictees who remain at large, including Félicien Kabuga, and we call on all States to fulfil their obligation to arrest and transfer indictees and emphasize that that obligation is, of course, established by the Security Council in its resolutions.

The United Kingdom supports extending the terms of judges until 2008. Continuity of the judges is clearly central to keeping the completion strategy on target. We stress, however, that this does not set a precedent, and that any future requests of this kind by either Tribunal would need to be considered on their own merits.

Turning to the ICTY, we welcome the reported progress on the ICTY caseload since the last report, in December 2005. The United Kingdom, of course, is a strong supporter of the ICTY. Those most responsible for genocide, war crimes and crimes against humanity must be brought to justice. We share the concerns of others regarding the risks of slippage in the timetable to 2009, including the financial implications. The Tribunal must maintain maximum effort to rationalize its working methods and increase its efficiency. We recognize the efforts of all of the Tribunal's organs to do just that, as illustrated in the reports, and we look forward to seeing the benefits of those improvements. I would just mention that we support the various rule changes that the Tribunal adopted, I think, just last week.

Turning to the matter of indictees at large and cooperation, let me observe that full cooperation remains an ongoing obligation of all States, including those in the region. We call on the States concerned to comply with their responsibilities to the international community under resolutions 1503 (2003) and 1534 (2004), which others have mentioned. Full cooperation is a fundamental requirement if the countries of the region are to make progress towards the European Union and NATO.

It is imperative that impunity be brought to an end and that those who bear the greatest responsibility for genocide, war crimes and crimes against humanity be transferred to the Tribunal. We call in particular on the authorities of Serbia and Montenegro and Bosnia and Herzegovina — in particular the Republika Srpska — to commit themselves wholeheartedly and unambiguously to the swift arrest and transfer to The Hague of all outstanding fugitive indictees, notably

Mladic and Karadzic. Close cooperation between those countries remains crucial to achieving that result, and we would appeal in particular to the Government of Serbia and Montenegro not to squander its European future for the sake of a lack of cooperation over those two indictees.

As to the question of Montenegro's independence, the European Union has noted Montenegro's 3 June declaration of independence and will address that matter further at its ministerial meeting on 12 June. This is an important moment in the history of Montenegro, and it is vital that the authorities in Podgorica ensure full cooperation with the ICTY. Our firm expectation is that this will be a non-negotiable requirement for progress towards the European Union and NATO.

Turning to the question of Dragan Zelenovic, we were grateful to the Russian Ambassador this morning for his explanation of the current position, and we hope that the Russian authorities will continue to make every effort to resolve the difficulties so that Zelenovic can quickly be transferred to The Hague

We also heard this morning also that the ICTY Prosecutor believes that Vlastimir Djordjevic may also be in Russia, and we look forward to the Russian authorities' continuing to do all they can to trace his whereabouts and, if he is located, to arrange for his immediate transfer to The Hague.

The early end to the trial of Mr. Milosevic with no final outcome was, of course, regrettable, and we welcome Judge Parker's report into the death and President Pocar's statement this morning that he has set up a working group to implement the various reports' recommendations and to improve trial management. Mr. Milosevic's death should not present an obstacle to the necessity of cooperation by all States with the ICTY and has underlined the importance for the ICTY to apply the lessons learned to the successful prosecution of remaining indictees, including Karadzic and Mladic.

Finally, on the question of transfers to the region, the transfer of lower-level and intermediate cases to the national jurisdictions is, of course, key to the ICTY's completion strategy. That should not, of course, be at the expense of fair trials, and we will remain interested in hearing the Tribunal's assessment, in conjunction with that of the Organization for Security and Cooperation in Europe, of national proceedings.

We note that, so far, six individuals have been transferred to the jurisdiction of Bosnia and Herzegovina. The United Kingdom remains supportive of the Bosnia War Crimes Chamber within the context of judicial sector reform in Bosnia. We have, to date, formally committed £2.6 million to the project, as well as providing additional ad hoc assistance. We would join in Judge Pocar's appeal this morning to other donors to make similar commitments.

Mrs. Collet (France) (*spoke in French*): I should like to start by thanking the Presidents and the Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their briefings and for outlining the challenges they face in carrying out their duties.

At the previous meeting on this item, we welcomed the transfer to The Hague of Ante Gotovina, one of the four fugitives mentioned by name in Council resolutions. At the time, we had high hopes of seeing that example followed by the rapid transfer to the ICTY of Ratko Mladic and Radovan Karadzic. Those hopes were dashed, and yet arresting and transferring ICTY indictees to The Hague is an international obligation for the concerned countries of the region and a prerequisite for their integration into the European family. It is imperative that Serbia, Montenegro and Bosnia and Herzegovina fully cooperate with the Tribunal.

Cooperating with the international Tribunals is also an obligation incumbent on all States and international organizations. We welcome the effective cooperation of Argentina that recently enabled the transfer of Milan Lukic. We note, on the other hand, that the Russian Federation has not yet transferred Dragan Zelenovic. We also note the difficulties being experienced in the cooperation between the United Nations Interim Administration Mission in Kosovo and the Office of the Prosecutor.

We also expect the full cooperation of all States in the arrest of Félicien Kabuga and others indicted by the ICTR who remain at large 10 years after the genocide. In that regard, we should like the Tribunal's written reports to set out in greater detail developments in cooperation received and investigations that are still under way.

The most recent reporting period was marked, inter alia, by the death of Slobodan Milosevic. The

French Minister for Foreign Affairs has expressed special sympathy for all those who suffered in the ethnic cleansing decided upon and planned with great resolve by that man. The Tribunal and the Dutch authorities have investigated, as required, the deaths of Milosevic and Milan Babic. The results of those investigations must be analysed.

We were especially interested to learn that the judges have decided to draw lessons from the Milosevic trial and begun to implement a number of the working group's recommendations on accelerating trials. We note in particular their resolve to see judges play a more active role in managing trial proceedings, thus adhering more closely to the investigative model. That, of course, should take place in respect for the independence of the Prosecutor, the rights of the defence and the interests of the victims.

Following certain worrying irregularities, we appeal to the ICTY scrupulously to respect the status of its working languages.

Thanks to the improved functioning of the Tribunals in the context of the completion strategy, justice should be rendered to the victims in a more reasonable time frame, opening the way to reconciliation. To that end, we must welcome the imminent opening of the Srebrenica trial, representing a particularly dark page of our history. Its organization as a single case with multiple accused will make its significance even greater.

As regards the ICTR, we have no objection to the President's request to have the mandate of the permanent judges extended to the end of 2008 in order to complete the trials under way. However, the idea of increasing the number of judges in the Appeals Chamber should be carefully considered.

Another important element of the completion strategy is the transfer of accused to national jurisdictions. That process must be accompanied by the necessary guarantee of fair trials and the non-application of the death penalty. Only thus can it contribute to the development of the rule of law. However, transfer to national jurisdictions cannot be considered in the cases of the highest-level indictees responsible for the most serious crimes. Those cannot escape international justice.

For France, the mission of the Tribunals cannot be completed so long as the principal fugitive indictees — in particular Mr. Karadzic, Mr. Mladic and Mr. Kabuga — remain at large. They must be transferred to The Hague and Arusha without further ado. Like the States concerned, they must remain aware that the Council will not abandon that obligation.

Mrs. Telalian (Greece): At the outset, I too wish to thank the Presidents of the two Tribunals, Judge Fausto Pocar and Erik Møse, as well as Prosecutors Carla Del Ponte and Hassan Jallow, for their reports and detailed presentations this morning. We appreciate their continuous efforts to bring to justice those most responsible for serious violations of international humanitarian law and to promote national reconciliation and peace in the former Yugoslavia and in Rwanda.

With regard to the International Criminal Tribunal for the Former Yugoslavia, we are pleased that, since the submission of the last report, the Tribunal has made important progress as regards the major completion strategy issues. That progress is evidenced in the increasing number of judgments rendered by the Trial Chambers and the Appeals Chamber, and in cases involving the transfer of intermediate- and lower-level accused to national courts in the former Yugoslavia.

In our view, it is important that the Prosecutor has the power to assess whether the trials are conducted on the basis of international standards of fair trial. In that respect, we wish to emphasize the need for the international community to continue its support for developing domestic judicial and prison capacity in the region, in order to ensure that local institutions are able to fulfil their essential function in accordance with international standards of due process.

We appreciate the intensive work carried out by the working group on speeding up trials and the important recommendations it has elaborated to enhance the efficiency of the Tribunal's proceedings by making use of existing rules. In our view, the trials of multiple accused will save considerable time and courtroom space. We also agree with the Prosecutor that further refinement of the Rules of Procedure and Evidence in order to improve pre-trial processes and speed up the presentation of evidence at trial would result in better use of valuable court time.

The past six months have indeed been difficult for the International Criminal Tribunal for the Former

Yugoslavia. We commend the President of the Tribunal for ordering a full internal inquiry in the death of Slobodan Milosevic, as he did in the death of Milan Babic. It would be useful if the results of those inquiries were to be further examined.

In that respect, it is important that following the end of the Milosevic trial, the judges of the International Tribunal have taken into account lessons to be learned in order to improve the management of future trials. It is equally important that the judges are determined to implement concrete measures to ensure that future trials are conducted expeditiously while respecting due-process considerations.

We also encourage the Tribunal to implement the recommendations made by the Swedish auditor concerning improving detention conditions.

We welcome the progress of trials at the International Criminal Tribunal for Rwanda and the number of judgments issued by it. We support the request made by Judge Møse, President of the Tribunal, to extend the term of office of the Tribunal's current permanent judges to 31 December 2008.

Concerning the cases to be transferred by the Prosecutor of the Tribunal to national jurisdictions, we emphasize the vital importance of capacity building, compliance with international standards of fair trial and respect for human rights.

It is encouraging that the two International Tribunals are doing everything within their power to keep up as much as possible with the timeframes of their completion strategies while upholding norms of due process. However, the failure to arrest indictees at large is a serious obstacle to the effective implementation of the completion strategies. Once more, we wish to emphasize that it is the legal obligation of all States in the regions, and of international organizations, to fully cooperate with the Tribunals in order to bring to justice all remaining fugitives, notably Ratko Mladic, Radovan Karadzic and Felicien Kabuga. We also express our concern about the remarks made by the Prosecutor of the ICTY concerning the cooperation provided by the United Nations Interim Administration Mission in Kosovo.

Finally, we urge all States and international organizations to closely cooperate with the two International Tribunals and to support their difficult mission to put an end to impunity and establish the rule of law, and thus support national reconciliation in the former Yugoslavia and Rwanda.

Mr. Matulay (Slovakia): I would like to join previous speakers in thanking the Presidents of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), as well as their Prosecutors, for their assessment of the work of both Tribunals. We wish to express our full support for them as they carry out the tasks given to them by the Security Council.

Slovakia is strongly committed to bringing about universal, balanced and transparent justice. We believe that to be an important aspect of reconciliation in both regions. My delegation considers the completion strategies and objectives set out in resolution 1503 (2003) and 1534 (2004), determining the deadlines for finalizing their work as crucial documents streamlining the final phase of the functioning of both Tribunals.

As to the ICTY, we appreciate the progress made in recent months, in particular the recent outcome of the working group on speeding up trials, in order to identify effective measures to implement the Tribunal's completion strategy. We very much appreciate that the Tribunal promptly implemented recommendations of the working group, allowing some trials to commence more quickly than originally foreseen.

We also welcome the cooperation of the ICTY with domestic courts of the affected countries of the region. My country shares the Tribunal's expectations that trials at the national level will be conducted with full adherence to international norms of due process.

We welcome the arrest of Ante Gotovina in Spain in December 2005. However, we regret the failure to arrest six remaining high-level accused, in particular Radovan Karadzic and Ratko Mladic.

With regard to the death of two accused — Milan Babic and Slobodan Milosevic — we appreciate the prompt reaction of the Tribunal and the steps taken to clarify the circumstances surrounding those events.

We support the call on all States to cooperate fully with the ICTY to ensure the immediate arrest and delivery of remaining fugitives to The Hague to enable the Prosecutor and the ICTY to complete the trial programme within the target date of the end of 2008.

With regard to the ICTR, we welcome the activities it has undertaken in recent months. We

appreciate the intention of the Tribunal's Prosecutor to transfer a number of cases to national jurisdictions. It is necessary to insist on compliance with international standards of fair trial in such transfer.

We welcome the estimate of the ICTR that by the end of 2008 the Court could complete trials and judgments of between 65 and 70 persons. We encourage the Tribunal to bring to justice those persons who are most responsible for genocide and violations of international humanitarian law committed in Rwanda in 1994.

My delegation appreciates the outreach programme activities to strengthen understanding of and confidence in the work of the ICTR among the Rwandan people, as a contribution to national reconciliation in Rwanda.

The President: I shall now make a few comments in my capacity as the representative of Denmark.

Denmark has always been, and remains, a firm supporter of the Tribunals for the Former Yugoslavia and Rwanda. I would like to make three points today.

First, the transfer of the remaining high-level fugitives to The Hague and to Arusha is key in enabling the Tribunals to fulfil their tasks. We have all been aware of this for too long, with too little to show for it. Denmark reiterates its call on all countries — within and outside the respective regions — to cooperate fully, unconditionally and swiftly with the Tribunals.

The Government of Serbia and, within Bosnia and Herzegovina, that of Republika Srpska are particularly well placed to ensure the apprehension of Mladic and Karadzic. We strongly encourage both Governments to act on this immediately. Full cooperation is critical to the Tribunals' ability to function. For the countries of the former Yugoslavia, it is also a precondition for their integration into European and trans-Atlantic structures.

Secondly, Denmark supports the measures taken by the Tribunal for the former Yugoslavia to speed up the trials. I want to thank President Pocar for his leadership in that regard. These steps are necessary to keep the length of the trials within a reasonable time limit, and we trust that they can be taken without compromising either the legitimate needs of the victims or those of the Prosecutor in building up cases of command responsibility.

Thirdly, the President of the Rwanda Tribunal has asked the Security Council and the General Assembly to extend the terms of its permanent judges until the end of 2008. Denmark fully supports his request. We believe it to be both sensible and pragmatic at this critical juncture of the Tribunal's work.

In my capacity as President of the Security Council for this month, I have circulated a draft resolution to that effect for the consideration of Council members. We hope to be able to adopt this draft resolution shortly.

The Tribunals for the former Yugoslavia and for Rwanda provide invaluable contributions in our collective fight against impunity, and they provide invaluable contributions in the maintenance of sustainable peace and stability in the former Yugoslavia and in Rwanda after two of the most abhorrent conflicts since the Second World War. Denmark will continue to actively follow the work of the Tribunals and looks forward to the next set of reports from them.

I now resume my functions as President of the Security Council.

I give the floor to His Excellency Mr. Zoran Loncar, Minister of Public Administration and Local Self-Government of the Republic of Serbia.

Mr. Loncar (Serbia) *(spoke in Serbian; English text provided by the delegation)*: Madam President, allow me at the outset to say how pleased I am to be here in the Security Council today and to assure you that the Government of the Republic of Serbia studied with the greatest attention the reports of the President of the International Criminal Tribunal for the former Yugoslavia (ICTY), Judge Fausto Pocar, and of its Chief Prosecutor, Ms. Carla Del Ponte.

As the country continuing the legal personality of the State union of Serbia and Montenegro, the Republic of Serbia is making all necessary efforts to contribute to the realization of the goals of Security Council resolution 1534 (2004), which defined the completion strategy for the International Tribunal for the former Yugoslavia.

The Government of the Republic of Serbia has expressed its full readiness and a clear political

commitment to successfully complete its cooperation with the ICTY. I would like to recall that, thanks to the tremendous efforts made by the Government of the Republic of Serbia, since the end of 2004 16 indicted persons have to date surrendered voluntarily to the custody of the Tribunal. It is well known that most of the indictees are high-ranking military and police officers. It should be noted that the period in which most of the indicted persons surrendered to the Tribunal was characterized by understanding and an atmosphere of partnership and trust, which yields the best results.

The efforts made so far by the Government of Serbia towards the completion of its cooperation with the ICTY are a confirmation of its firm commitment to continue to fulfil its remaining international obligations. I would also like to take this opportunity to inform the Council that all indicted officers who were in the service of the Republic of Serbia, either in the army of Serbia and Montenegro or as members of the police in Serbia, voluntarily surrendered to the Tribunal, including indicted persons from the Republika Srpska.

The Government of the Republic of Serbia has on many occasions publicly stated that it is in the interest of Serbia to complete its cooperation with the ICTY as soon as possible. As far as the case of General Ratko Mladic is concerned, the Government of Serbia has officially stated that the harbouring of Ratko Mladic is an act of dishonesty that directly threatens the national and State interests of Serbia.

I would like to emphasize in particular the fact that the Government of Serbia has done absolutely everything in its power to find Ratko Mladic and send him to The Hague. The individuals who helped Ratko Mladic to hide all these years have been identified. The competent court sentenced 11 persons suspected of helping Mladic escape justice to a several-months-long prison term. Despite these very intensive and thoroughgoing efforts, it has not been possible to locate Ratko Mladic. Undoubtedly the political will exists to establish his whereabouts, which is a matter of a technical nature.

I would like to assure the Council that the Government of the Republic of Serbia remains firmly committed to fully honouring all of its remaining international obligations in order to complete its cooperation with the Tribunal. The results achieved so far are the most telling proof in that respect.

I would also like to take this opportunity to inform the Council of our readiness fully to cooperate with the ICTY Prosecutor's Office in the area of access to documents and archives. The State union of Serbia and Montenegro and the Republic of Serbia as its successor have so far received 1,148 requests from the Prosecutor's Office. The National Council for Cooperation with the ICTY has positively responded to an overwhelming number of those requests. Currently, only a few pending requests sent by the Prosecutor's Office are considered urgent. New requests from the Prosecutor's Office to Serbia and Montenegro arrive on a daily basis and are expeditiously dealt with.

From 15 December 2005 to date, there have been seven sessions of the National Council; 43 persons were granted waivers, in line with requests made by the Prosecutor's Office, and 39 requests by the Prosecutor's Office for documents were positively responded to. This involves several thousand pages of documents.

In early 2006, the Prosecutor's Office sent a proposal on practical modalities for access to the archives of the State authorities of the State union of Serbia and Montenegro, of the Republic of Serbia and of the Republic of Montenegro, proposing practical solutions to enable the Prosecutor's Office to efficiently access the documents of the State authorities of Serbia and Montenegro.

The proposal was reviewed at the twenty-third and twenty-fourth sessions of the National Council, and, after the opinion of the Government of the Republic of Serbia was obtained, the Council of Ministers of Serbia and Montenegro on 2 March 2006 accepted the Prosecutor's proposal on the practical modalities concerning access to the archives of the State authorities of the State union of Serbia and Montenegro, of the Republic of Serbia and of the Republic of Montenegro.

Once the practical details for access had been harmonized, on 22 May 2006 investigators from the Prosecutor's Office were granted access to the archives of the Ministry of the Interior. On 29 May 2006, Prosecutor's Office investigators were given access to the archives of the Ministry of Defence and the archives of the presidency of Serbia. Those activities are ongoing.

It should be pointed out that in May 2006 a very important law was adopted in the Assembly of the State union of Serbia and Montenegro on freezing the assets of persons indicted by the ICTY who are fugitives from justice.

At the very beginning of my statement, I pointed out that the Republic of Serbia is investing all its efforts to contribute to the achievement of the goals set in resolution 1534 (2004), in which the completion strategy for the ICTY was set. In the context of these efforts, it is important to pay attention to the words of President Pocar to the effect that the last six months have arguably been among the most difficult in the International Tribunal's history. President Pocar's remark refers in particular to the death in the Detention Unit of Slobodan Milosevic, former President of the Republic of Serbia and of the former Republic of Yugoslavia, whose trial was not brought to a close, as well as to the death of Milan Babic, who died before the Second Instance Court reached a decision.

While acknowledging the fact that the reports on the deaths of these two Serbs indicted for serious war crimes have not been officially completed, the Government of Serbia shares the view of the independent investigation carried out by the State authorities of the Kingdom of Sweden at the request of President Pocar that the conditions and treatment of inmates in the Detention Unit have to be significantly improved, and that the control of the work of the Detention Unit has to be more transparent. The Republic of Serbia regrets that such cases — which have happened before in the Tribunal's Detention Unit — depart from the defined goal of the ICTY, which is the efficient administration of international justice towards the perpetrators of serious war crimes, justice for the victims and the creation of conditions for reconciliation among the peoples caught up in the brutal civil war in the territory of Yugoslavia.

The Republic of Serbia welcomes the Tribunal's efforts to make its work more efficient and more just in order to honour the strict deadlines and conditions set in the previously mentioned Security Council resolution. In that sense, the Republic of Serbia considers that tracking down the remaining indictees is of crucial importance, as is transferring trials to national jurisdictions. The trials before the domestic courts may contribute to the realization of the goals for which this high United Nations body established the ICTY in The Hague in 1993.

When tried before a domestic court, an indicted person is exposed to a strict moral authority, standing responsible before his fellow nationals, and the court cannot be labelled as biased. In the same vein, the domestic court may truly contribute to the realization of the goal of mutual reconciliation. That is why the Republic of Serbia once again expresses the readiness of its judicial authorities — especially the Special Prosecutor's Office for the Prosecution of the Perpetrators of War Crimes and the Department for War Crimes of the Belgrade District Court — to process and organize trials of the indictees, or to have them transferred from The Hague.

Despite the fact that past work of the judicial authorities of the Republic of Serbia has been assessed as positive by the Tribunal itself — and by many States, especially some permanent members of the Security Council — not a single case has been transferred from The Hague to the Republic of Serbia. Let me recall that, to date, six cases have been transferred to Bosnia and Herzegovina and two to the Republic of Croatia. We are convinced that mutual cooperation and trust may greatly contribute to the administration of justice.

Finally, I would like to reiterate the firm position of the Government of Serbia that it will continue to undertake all measures within our powers to track down the remaining indicted persons and, if some of them are hiding in Serbia, to transfer them to The Hague. The Republic of Serbia is resolved that all those who have committed war crimes should stand trial either at the ICTY or in the national courts. The Government of Serbia will continue to undertake all available measures to fully honour its international commitments and bring its cooperation with the ICTY to a satisfactory close.

The President: I now give the floor to the representative of Rwanda.

Mr. Shalita (Rwanda): We wish to thank you, Madam President, for convening this meeting to discuss the reports of the International Criminal Tribunal for Rwanda (ICTR) (S/2006/353) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) (S/2006/358). We shall focus our remarks on the ICTR.

My delegation wishes to express its profound thanks to the ICTR President, Judge Erik Møse, and the Prosecutor, Hassan Bubacar Jallow, for their

respective presentations. We commend them for their continued hard work and commitment to the successful implementation of the completion strategy in accordance with Security Council resolutions 1503 (2003) and 1534 (2004).

The late issuance of the report under consideration has created some difficulties for my delegation in preparing for this meeting, as I am sure it has for Council members. We look forward to future reports being issued in good enough time to allow for informed consultations among both Council and non-Council members.

The Rwandan Government also wishes to express at the outset its satisfaction with its good working relationship with the Tribunal. We wish to reiterate our commitment to work closely with the Tribunal to bring to justice those who bear the greatest responsibility for the 1994 genocide in Rwanda.

With only two and a half years remaining for the Tribunal to complete its work in accordance with the completion strategy, it is clear that not much time is left and there is still plenty of work to be done. The following are some of the areas where we believe urgent progress is essential in the next few months.

First, with regard to fugitives still at large, my delegation has on several occasions stated that the perpetrators of the genocide should not be allowed to evade justice, even after 2008. The Tribunal's completion strategy should not be seen as an exit strategy for the international community in its obligations to bring all those suspected of the crime of genocide to trial at the ICTR or in Rwanda. We would welcome appropriate measures that would ensure that all accused are brought to justice, even after the Tribunal's mandate has expired. My delegation has repeatedly expressed Rwanda's commitment, which I reiterate here today, to work with Governments around the world to bring those suspects to justice. We must not allow notorious suspects such as Félicien Kabuga and Augustine Ngirabatware to evade justice. If they did, it would be an extremely sad indictment on us all and would send the wrong signal about the commitment of the international community to prevent genocide by combating impunity.

The second area concerns the transfers of cases. It is a widely accepted principle that trials, especially for crimes as serious as genocide, should take place as close as possible to where the crimes were committed. In this connection, we welcome Prosecutor Jallow's reiteration this morning that Rwanda continues to be the major focus of referrals. It is our view that trials targeted for transfer should take place in Rwanda because that would contribute to our own efforts to eradicate the culture of impunity and promote reconciliation in Rwanda, as our people would be first-hand witnesses to justice being done.

The Rwandan Government has discussed this issue extensively with the ICTR, particularly with the prosecution. Following those meetings, and in close consultation with the Tribunal, my Government has drafted new legislation to prepare for those transfers. The draft legislation includes addressing procedural issues and the creation of special chambers.

The draft legislation addresses the issue of the death penalty, which has been raised this morning by several delegations. It is our intention to waive the death penalty for the transferred cases. We expect that the draft legislation will be tabled before Parliament and adopted as law within the coming weeks.

On the second issue raised in paragraph 41 of the report under consideration — lack of capacity within the Rwandan judiciary — we have had occasion in the past to inform the Council that we have been steadily building and enhancing the capacity of our judiciary over the last decade. Furthermore, the caseload before the Rwandan judiciary has been significantly reduced following the introduction of the Gacaca justice system. That is not to say, however, that our judiciary does not need strengthening; it does, indeed, need strengthening. We would be the first to acknowledge that, and we would welcome any assistance in that connection from the United Nations and through bilateral arrangements. But transferring trials to other jurisdictions does not address the core challenge, which is how to equip Rwandans with the capacity to build a criminal justice system that would, for the long term, fight impunity and promote the rule of law and human rights. This we believe to be the core issue. Transferring cases to Europe or elsewhere simply would not address that core challenge.

Council members will recall that this is a discussion that we had in the context of the establishment and operationalization of the Peacebuilding Commission — a discussion that you, Madam President, co-chaired. The key issue, as we see it, is how to ensure that international interventions like

the ICTR have a sustained positive impact on countries that are emerging or have emerged from conflict. In this context, we do not believe that transferring cases to jurisdictions other than that of Rwanda would achieve the best results for the international community. We believe that with further support from the international community, including financial support for the trials, Rwanda would have the capacity to conduct them in a manner consistent with international standards of fair trial.

The third point relates to transfers of convicts. The Rwanda Government has consistently stated that that all ICTR convicts should serve their sentences in Rwanda, where the crimes were committed. Once again, we believe that this is essential for justice and reconciliation in Rwanda the main reason why the ICTR was established in the first place. The initial concern about the administration of sentences in Rwanda was the lack of a detention facility that met international standards. However, a detention facility was built more than two years ago and was inspected by the ICTR, which certified that it met international standards, and signed a memorandum of understanding to that effect. Despite that, there continues to be delay in effecting the transfers. It is unclear to us why that is the case. We would therefore appeal to the Council to intervene to ensure that those transfers are carried out expeditiously.

The fourth point relates to the transfer of documents and materials. As we continue to consider the legacy of the Tribunal for international justice in general and, more specifically, its effect on Rwanda, we believe that the completion strategy should incorporate the transfer of all court documents and materials to Rwanda, where they could provide a nucleus for a research and education centre which would contribute to raising awareness and to genocide prevention in Rwanda and beyond. We believe that as the ICTR completes its work, the United Nations and the international community should bequeath to Rwanda a genocide prevention and education centre not only to serve the memory of the genocide's 1 million victims, but also to act as a centre for research and for understanding the lessons learned from the Rwanda genocide and as a centre to promote justice, reconciliation and human rights.

The Rwanda Government is open to discussions with the United Nations and Member States on how best to take that proposal forward. However, we should be cognizant of the need to act quickly, given the limited time left before the Tribunal completes its work.

We welcome the information contained in annex 5 of the report concerning the ICTR outreach programme, and we welcome the remarks made in that connection by the representative of Japan. We see that as being inextricably linked to my previous point. In view of the limited time remaining for the Tribunal, we urge that it strive towards greater effectiveness in its outreach programme and ensure that the existing information centre, training programmes for jurists, internships and relationships with academic institutions and civil society groups aim to educate and build capacity among Rwandans. While we welcome the efforts of the ICTR in highlighting some of these issues, which were mentioned in the statement of the Prosecutor, we once again call upon the Tribunal to increase its recruitment of Rwandan jurists and investigators, either as interns or on a permanent basis, in order to ensure knowledge transfer from the ICTR to Rwandan professionals.

We would like to conclude by expressing our profound appreciation to the international community for its continued support of the Tribunal through both assessed and voluntary contributions. As we begin the last leg, we urge the Council to continue its commitment to ensuring that the Tribunal is adequately resourced so that it can conduct its work efficiently and effectively. We also thank the Tribunal's President, Prosecutor and Registrar and their respective teams for their work in ensuring the implementation of the completion strategy.

The President: I now give the floor to Judge Pocar to respond to comments made and questions raised.

Judge Pocar: I would like first to express my gratitude, and the gratitude of the Tribunal, to you, Madam President, and to all the members of the Security Council, for their comments and for the issues raised during the debate. I would like, in particular, to thank members for the support that they have shown for the work of the Tribunal and for its efforts in adopting measures to meet the deadlines of the completion strategy. We will take duly into account all the comments and suggestions that have been made with a view to improving our performance and to

speeding up the slow pace of trials that has been noted in the past.

In that context, I would like to observe that the speeding up of trials is not just a matter that concerns the completion strategy. Primarily, it is a matter of due process and respect for human rights, including those of the accused awaiting trial.

The process of speeding up trials has been a constant preoccupation of the Tribunal, and the measures that we are now adopting were considered in the past, in particular last year, when the working group of Judge Bonomy was set up, long before the events that unfortunately occurred last month. But there is no doubt that the process of revising rules and adopting measures has been accelerated by those events.

In that connection, let me say that I fully understand and share the concern expressed with regard to the death of two persons in the detention centre: Mr. Milosevic, whose trial had not been completed, and Mr. Babic, whose trial and appeal had been completed but who had been called back to give testimony in another case before the Tribunal. I believe that that concern was reflected in the report; it is also reflected in the conclusions of Judge Parker's report and in the measures that I myself and the Tribunal have taken in that respect.

I wish to assure the Security Council that the recommendations made by the independent audit conducted by Swedish experts and the recommendations contained in Judge Parker's report will be fully and speedily implemented in the near future, as will all the measures that we have adopted — and those that we will perhaps adopt in the future — to speed up the trials. I wish to reiterate that the Tribunal remains fully completed to the completion strategy as it conducts trials that fully meet the requirements of due process.

Let me also briefly stress another issue that has been raised by several members of the Security Council: the transfer of cases to domestic courts and improving the capacity of domestic courts. The Tribunal remains fully committed to working together with domestic courts to improve their judicial capacities both to make the referral process effective and to ensure that the rule of law is carried out at the local level when the Tribunal closes, hopefully after having fully accomplished its mission within the deadlines established by the Security Council or by us.

The President: I thank Judge Pocar for the clarifications he has provided.

I now give the floor to Judge Møse to respond to comments and questions raised.

Judge Møse: First of all, let me thank the members of the Security Council for their expressions of support and appreciation for the work of the International Criminal Tribunal for the Former Yugoslavia. We note with pleasure the remarks made both in relation to the progress made and concerning the measures we have taken to increase our efficiency. Furthermore, we strongly appreciate the emphasis placed by Council members on States' obligations to cooperate with the Tribunal in terms of both arrest and transfer. That is a vital area, as stressed by our Prosecutor and as emphasized by all members of the Council. Another important form of support expressed by Security Council members is reflected in the focus on capacity-building and on the need to ensure the necessary resources in the recipient countries of trials to be referred.

The remarks of those representatives who addressed the question of extending the judges' mandates, and the fact that a draft text is being circulated, have been noted with pleasure.

A specific question from the representative of Qatar related to the situation of Charles Taylor. There is no formalized cooperation between the Special Court for Sierra Leone and the International Criminal Tribunal for Rwanda (ICTR); they are different courts with separate mandates. But we received an initiative from the Sierra Leone Court asking us whether we would be able to share courtroom capacity in connection with the trial of Charles Taylor. The Prosecutor and I discussed the matter, and we found that, although we were very sympathetic to the idea of assisting a brother — or sister — tribunal, we had to turn down that possibility, because it would have put our own completion strategy in jeopardy. We are using all our courtrooms at full throttle every day, and an extra case in our Tribunal — that of Charles Taylor — would have created problems in meeting the 2008 deadline.

As for the question about the acquitted person, raised by the representative of the Congo, it too was

very pertinent. Let me stress that all our indictees left Rwanda in 1994, sought refuge in other countries, brought their families to those countries and refused to return. The challenge has been to find places where they can be relocated. I wish to stress that Rwanda has never refused to receive them.

All the other comments made by members have been noted, including the precise reference made by the representative of France to the need to be more specific concerning the level of cooperation, which was a useful remark. Her point was that not only the oral presentations, but also the written reports, should be more specific in that regard. That has been noted, together with other remarks.

All of this will serve as an inspiration to the judges, the Prosecutor and the staff of the ICTR when we share the results of this meeting with them in Arusha in a few days' time.

The President: I thank Judge Møse for his clarifications.

I now give the floor to Prosecutor Jallow to respond to comments made and questions raised.

Mr. Jallow: I thank all members of the Council for their contributions, which have demonstrated their support for the International Criminal Tribunal for Rwanda (ICTR) and for the Tribunals generally. We are also greatly encouraged by the understanding expressed during the course of the debate of the central role of the referral of cases within the completion strategy and, in turn, of the need for capacity-building to ensure the success of the referral system.

In my experience, the countries that are willing to take on our cases are likely unable to assume the costs associated with the referral of cases. Therefore, it is very important that some way of assisting them be found. At this stage, we need to move from a general encouragement of support for those countries that are willing to examining and establishing concrete measures for the building of judicial capacity in those countries. In that respect, I was pleased to hear the representative of the United Republic of Tanzania propose that the United Nations Secretariat, in consultation with the Tribunals, look at what measures can be put in place. I think that that would be very, very welcome and that it would help the referral system.

Of course, let me assure representatives, in response to the concerns that they have raised, that referrals are made only on the condition that the application of the death penalty is excluded, and that there are guarantees of fair trial — both in law and in practice — in the country concerned. If there are no such guarantees, I do not envisage that the Tribunals would make any referrals to that country. In that respect, it was also encouraging to hear from the representative of Rwanda that his country would shortly be taking the steps necessary for it to be eligible. That would help us immensely, as I mentioned in my introduction of the matter.

I should like once again very much to thank you, Madam, and the rest of the Council.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

I take this opportunity, on behalf of the Security Council, to thank Judge Pocar, Judge Møse, Prosecutor Del Ponte and Prosecutor Jallow for taking the time to brief the Security Council.

The meeting rose at 1.30 p.m.

United Nations S/PV.5454

Security Council

Sixty-first year

Provisional

5454th meeting

Tuesday, 13 June 2006, 10 a.m.

New York

President	Mrs. Løj	(Denmark)
Members	Argentina	Mr. García Moritán
	China	Mr. Li Junhua
	Congo	Mr. Makayat-Safouesse
	France	Mr. De Rivière
	Ghana	Mr. Christian
	Greece	Ms. Kouloushou
	Japan	Mr. Haneda
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Watson
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Liberia

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-38392 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Liberia

The President: I should like to inform the Council that I have received a letter from the representative of Liberia in which she requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Osode (Liberia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/370, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1683 (2006).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.10 a.m.

United Nations S/PV.5455

Security Council

Sixty-first year

Provisional

5455th meeting

Tuesday, 13 June 2006, 10.10 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. García Moritán
	China	Mr. Li Junhua
	Congo	Mr. Makayat-Safouesse
	France	Mr. De Rivière
	Ghana	Mr. Christian
	Greece	Ms. Kolousiou
	Japan	Mr. Haneda
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanaznia	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 3 May 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/349).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-38398 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 3 May 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/349)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/349, which contains the text of identical letters dated 3 May 2006 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, transmitting a letter dated 21 March 2006 from the President of the International Criminal Tribunal for Rwanda.

Members of the Council also have before them document S/2006/372, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1684 (2006).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

United Nations S/PV.5456

Security Council

Sixty-first year

Provisional

5456th meeting

Tuesday, 13 June 2006, 10.15 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Li Junhua
	Congo	Mr. Makayat-Safouesse
	France	Mr. De Rivière
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Haneda
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2006/333)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-38404 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2006/333)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Disengagement Observer Force, document S/2006/333. Members of the Council also have before them document S/2006/373, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1685 (2006).

In connection with the resolution just adopted, on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council.

> "As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/2006/333) states in paragraph 12:
>
> '... the situation in the Middle East is very tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached'.
>
> "That statement of the Secretary-General reflects the view of the Security Council."

That statement will be issued as a document of the Security Council under the symbol S/PRST/2006/26.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.20 a.m.

United Nations S/PV.5457

Security Council

Sixty-first year

Provisional

5457th meeting

Tuesday, 13 June 2006, 10.25 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Li Junhua
	Congo	Mr. Gayama
	France	Mr. Duclos
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Peru	Ms. Tincopa
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Dolgov
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Timor-Leste

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-38411 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Timor-Leste

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Austria, Brazil, Fiji, Indonesia, Malaysia, New Zealand, the Philippines, Portugal, the Republic of Korea, Singapore and Timor-Leste, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Guterres (Timor-Leste) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ian Martin, Special Envoy of the Secretary-General for Timor-Leste.

There being no objection, it is so decided.

I invite Mr. Martin to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them photocopies of a letter dated 13 June 2006 from the Secretary-General transmitting a letter from the President, Prime Minister and President of the National Parliament of Timor-Leste, which will be issued as a document of the Security Council under the symbol S/2006/383.

I welcome the presence of the Secretary-General and invite him to take the floor.

The Secretary-General: I am deeply concerned over the evolution of the situation in Timor-Leste since the incidents of 28 and 29 April. The violence and unrest that Timor-Leste has experienced in recent weeks is particularly painful because, in many respects, Timor-Leste is a child of the international community.

Through four successive missions — the United Nations Mission in East Timor, the United Nations Transitional Administration in East Timor, the United Nations Mission of Support in East Timor and the United Nations Office in Timor-Leste — the United Nations has played a key role in laying the foundation for Timor-Leste's democratic institutions and processes.

Today, those institutions and processes stand exposed. The sad events of recent weeks reflect shortcomings not only on the part of the Timorese leadership, but also on the part of the international community in inadequately sustaining Timor-Leste's nation-building process. We have learnt, at a painful price for Timor-Leste, that the building of institutions on the basis of fundamental principles of democracy and the rule of law is not a simple process that can be completed within a few short years.

Clearly, tremendous work lies ahead, both for the Government of Timor-Leste and for the international community, but, as I told the Timorese people in a video message on 1 June, the United Nations is determined not to abandon them at this critical time of need. I therefore appeal to the Security Council to stand united in supporting Timor-Leste's return to normality so that its citizens may resume their work of building a peaceful and prosperous nation.

In that context, last month I dispatched My Special Envoy, Ian Martin, on a short mission to review the situation on the ground. Since his return last Friday, I have benefited greatly from his assessment, which he will share with the Council today. His report highlights not only the immediate security challenges facing Timor-Leste but also the complex political situation there and other problems faced by that country.

In conclusion, I would like to mention that on 8 June I received a letter from the Senior Minister and Minister for Foreign Affairs and Cooperation, Jose

Ramos-Horta, on behalf of the Government, inviting the United Nations to establish an independent special inquiry commission "to review the incidents on 28 and 29 April and on 23, 24 and 25 May, and other related events on issues which contributed to the crisis".

In response to that request, I am asking the High Commissioner for Human Rights to take the lead in establishing such a commission, and I will keep the Council informed of his progress.

The President: I thank the Secretary-General for his statement.

At this meeting the Security Council will hear a briefing by Mr. Ian Martin, Special Envoy of the Secretary-General for Timor-Leste, to whom I give the floor.

Mr. Martin: As members of the Council know and have welcomed, I was sent by the Secretary-General to Timor-Leste to assess the situation there at first hand, working closely with the United Nations Office in Timor-Leste (UNOTIL) and the Timorese leadership. I was in the country from 29 May to 7 June, during which time I had extensive discussions across the political spectrum. These included long and frank conversations with President Xanana Gusmão, Prime Minister Mari Alkatiri and Foreign Minister José Ramos-Horta, who also assumed the defence portfolio during my visit. I also talked with other ministers, with the commander of the defence force, key members of opposition parties, the Bishop of Dili, civil society representatives and the diplomatic community. I travelled to western districts to meet leaders and political supporters of protesting soldiers who have been dismissed or put themselves outside the command of the army.

The Council has been regularly briefed on the unfolding crisis, and I will not revisit the tragic course of events or its serious humanitarian consequences. What I think the Council will most want to know is how successfully it is now being addressed; what the underlying causes are which require the longer-term attention of the political leadership and the support of the international community; and what expectations are there now of the United Nations.

While I was in Dili, the two senior constitutional bodies which advise the President, the Council of State and the Superior Council for Defence and Security, agreed upon a framework and a plan of action within which the political leadership is addressing the security crisis. This involves the President assuming the main responsibility for defence and security, in close collaboration and permanent interaction with the Prime Minister and the President of the Parliament. The Ministers of Defence and Interior resigned and were replaced. All those who now share responsibility for security matters expressed to me their commitment to working together within that framework, which will indeed require their close and continuous collaboration in the weeks ahead.

Bringing the security situation fully under control also requires effective coordination with and among the military and police forces of the four countries whose deployment the Government of Timor-Leste requested and the Council has welcomed. There, too, the Timorese leadership has committed itself to regular coordination meetings of the key actors, and the forces themselves continue to work on operational arrangements. I left Dili just as the Portuguese police force began its operations there and before the advance parties of police from Australia, Malaysia and New Zealand were joined by the numbers necessary to begin patrolling. I believe that, as they do so, the arson and looting in Dili will be brought fully under control. Fortunately, it has not spread beyond the capital, although disturbing tensions are emerging in some districts.

That, however, will not in itself be the end of the security crisis. The leaders of the soldiers or ex-soldiers outside the command of the defence force told me, as they have told others, that they would take no offensive armed action and would respect the authority of the President. The defence force itself is cooperating fully with the international forces, and its commander, Brigadier-General Taur Matan Ruak, assured me of his commitment to the Constitution and of his determination that there should be no more war in his country. However, weapons from the defence force and from the police service have been distributed to civilians, including former resistance fighters.

The President's plan of action provides for the controlled return and audit of weapons of the security forces, with international participation. The international forces have already recovered substantial numbers of weapons, and the defence force command states that it has recalled those it had distributed. But as long as groups which remain armed or have access

to arms remain disaffected, the security situation cannot be said to have been resolved.

Parliamentary and presidential elections are due in Timor-Leste by May 2007, and are, of course, where political competition should be democratically resolved. But segments of the population are not accepting that the present Government should remain in place until then. Such opposition is reported to be widespread in western districts and in the church. Following the resignations of the Ministers of Defence and Interior, there has been one sizeable demonstration in Dili calling for the resignation of Prime Minister Alkatiri. At times this has been stated by the leaders of the soldiers or ex-soldiers outside the army command to be a precondition for dialogue. Such demonstrations carry the prospect of those loyal to FRETILIN, the ruling party, staging counter-demonstrations. There thus remains the potential for violent clashes between different groups of demonstrators, at what remains a tense time in the capital.

The most serious underlying cause of the current crisis, and perhaps the biggest challenge for future stability, lies in the security sector. The crisis has revealed political cleavages not only between the defence force and the police service, which has long been a subject of concern, but also internally in each institution. Initial recruitment to the defence force was from the former FALINTIL fighters for independence; selection was controversial at the time and has been since. The majority of officers and first recruits were from the eastern districts, where FALINTIL remained active until 1999. Later recruits were younger and mostly from western districts; it is many of them who have alleged discriminatory practices against them by eastern officers.

Long before independence, Xanana Gusmão, as commander of FALINTIL, had taken the resistance forces outside FRETILIN to be the army of the nation rather than of a political party, but it is now alleged by some that FRETILIN has been trying to draw the defence force command closer to itself.

Initial recruitment to the police service was also controversial, with criticism of the absorption of men and particularly officers from the Indonesian police. The Minister of the Interior, Rogerio Lobato, who has now resigned, was seen from the time of his appointment in 2002 to be politicizing the police, initially as a counterweight to the President's perceived influence over the defence force. In November 2002, the President called publicly for his dismissal. In 2004, heavy weapons were imported for three special units formed within the police service. The Minister was alleged to have favoured westerners within the command structure, as a result of which an eastern so-called nationalist faction arose within the police, which broke from the chain of command in recent weeks. The national command structure, at least two of the special units and the Dili police have disintegrated during the recent violence, although the police in the districts have mostly continued their regular duties.

The immediate issues are thus the future of the soldiers or ex-soldiers outside the command of the defence force, and the re-establishment of a national police command structure and a Dili police force. But many of my interlocutors saw a need for fundamental reconsideration of the role of the defence force, the existence of special units within the police service, and the nature of its weaponry.

The sudden elevation of East-West friction as ostensibly a central factor in the crises in the army, the defence force and the police force is potentially the most dangerous of the cleavages for national unity. It has been reflected in the targeting of houses for arson attacks in Dili and even in tensions in the camps of internally displaced persons. Although this division has some historical roots, political and religious leaders maintain that it is not deep-seated. But their active leadership will be required to heal the recent wounds in which regional tensions have played a part.

In political terms, the current crisis is centred upon the dominance of the ruling FRETILIN party and the challenges to it. Critics accuse the FRETILIN leadership of heading the country towards a one-party State by using its dominant position in Parliament and its superior political machinery, which has been further strengthened by access to power and State resources. The manner in which a challenge to the party leadership was countered at the recent FRETILIN Congress has added to this perception, and opposition parties express no confidence in the intention of FRETILIN to allow a level playing field for free and fair elections next year. The opposite perspective, held by FRETILIN's leadership, is that the current crisis stems from the failure of opposition parties and domestic critics, including the church, to challenge the Government democratically and from their efforts to

create an institutional crisis and even bring about a coup.

This conflict is exacerbated by the fact that FRETILIN's opponents look to President Gusmão as a guarantor of pluralism, as indeed he sees himself. He remains the most important national figure and has the political legitimacy of direct election, while some believe that the Constituent Assembly elected under United Nations administration in 2001 should not have become a full-term post-independence Parliament. But the presidency is constitutionally almost powerless, and the current crisis has thus led to pressure on the President to act outside the constitution, which he has resisted.

I reiterated to all the Secretary-General's message — broadcast, as he said, to the people of Timor-Leste — that corrective measures should be taken within the framework of constitution, that the United Nations would stand with Timor-Leste in this time of trial, and that it will stay to assist in the resumption of the task of nation-building. I have reported back to the Secretary-General what was said to me about the role the Timorese would like to have the United Nations play in the period ahead.

First, there is a pressing need for an impartial investigation of recent events involving loss of life, in particular the disputed number of killings that occurred in Dili on 28 and 29 April and the killing by soldiers of unarmed police officers under United Nations escort and injury to two United Nations police officers on 25 May, as well as several other incidents between these dates that involved the use of lethal force. Those events were part of the spiral of violence involving soldiers, police and civilians. Each party to the conflict has its own accusations to make against others. Thus not only is there the need for accountability for serious human rights violations, there will be no political reconciliation unless these accusations are investigated and the truth established and made known.

The Government has requested, in the Foreign Minister's letter of 8 June to the Secretary-General, that the United Nations establish an independent special inquiry commission to conduct the necessary investigation, and I strongly support this request. My interlocutors all believed that evidence of criminal responsibility should be conveyed to and further investigated and prosecuted in the Timorese justice system, in which international judges, prosecutors and defence lawyers provided by the United Nations are participating.

Secondly, there is a strong consensus that the United Nations should play a major role in the organization of elections in 2007 and in ensuring confidence that they will be free and fair. The Government recognizes the need for further discussion with opposition parties and civil society about the electoral arrangements, and that would help define the role to be requested of the United Nations.

Thirdly, the review and restoration of the security sector is a crucial task. In the past, international support has been a combination of United Nations and bilateral arrangements. During my visit I found a clear consensus that the United Nations should play the major role in relation to the police, and that has now been requested by the letter of 11 June to the Secretary-General from the President of the Republic, the President of the Parliament and the Prime Minister. Required international assistance to policing now extends from actual policing during the period until the national police service is again able to take full responsibility, to the long-term institutional development that was not completed and has now encountered a serious setback and need for review. Police arrangements in the context of the elections require special attention, as had already been recognized.

Fourthly, the crisis appears to have led many Timorese political leaders to see a greater need for international support to State institutions than was previously envisaged and a greater desire for the United Nations to offer its good offices, sensitively and with full respect for national sovereignty, to foster political and community reconciliation.

It was a great personal sadness for me to witness again, as I did in 1999, houses burning in Dili and families displaced from their homes by fear and to know that many people had been killed. But the current situation is not about Timor-Leste being a failed State. Rather it is about a four-year old State struggling to stand on its own two feet and learn to practice democratic governance. The message I carried from the Secretary-General, and which he broadcasted directly to the people of Timor-Leste, was that now is not a time for despair, but for action. It is time for the leaders to act together and time for the international community to remain focused and engaged in Timor-

Leste. If this crisis leads to the necessary reflection, acceptance of responsibility and renewed commitment, then I believe it can prove to have been a terrible wake-up call, which sets Timor-Leste back on its path to a united and prosperous nation.

The President: I thank Mr. Martin for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber. I now give the floor to the representative of Timor-Leste.

Mr. Guterres (Timor-Leste): Madam President, it is a great honour for us to see you presiding over this meeting. It is also a great honour to see the Secretary-General in this meeting, and we thank him for the efforts that he has undertaken to support East Timor. It is a great honour too to see Special Envoy Ian Martin again, and Special Representative Tamrat Samuel. We have known them for many years and we know of their dedication to the country and the role they have played in the birth of Timor-Leste as a nation.

I have with me a statement by the Minister for Foreign Affairs and Cooperation and Minister for Defence, Mr. José Ramos Horta. I will read out only parts of that statement but, due to today's special circumstances, I beg for your patience.

> "Madame President, I offer my sincere apologies to you and to the members of the Security Council for my absence, but demands for my presence in Timor-Leste at this time are extensive.
>
> "As the Council meets, I am visiting rural areas of the country, covering east and west, continuing to take the State to the people. I am also able to listen to their needs and to communicate them back to our President and our Government. In addition, I have addressed our national Parliament, upon the invitation of its President.
>
> "I thank the Congolese presidency and the other members of the Council for the press statement of 24 May 2006 (Press release SC/8728), which gave international legitimacy to the deployment of the multinational forces of Australia, Malaysia, New Zealand and Portugal.
>
> "On behalf of all Timorese, I offer profuse thanks to the Joint Task Force, all the components of which were able to respond promptly and efficiently to quickly quell the violence. However, the forces were not able to prevent the extensive looting and burning and the displacement of tens of thousands of Timorese, as law and order broke down in some quarters, with the earlier disintegration of the National Police Force of Timor-Leste (PNTL) in Dili.
>
> "I also offer profuse thanks to Portugal, which, from a great distance, showed no hesitation in deploying its elite police force, the Republican National Guard (GNR). The Timorese people's experience with the GNR under the United Nations Transitional Administration in East Timor was a positive one, and the GNR's presence has been demanded by every sector of the Timorese society. It is our wish that, in a new United Nations mission, the GNR play a vital role in maintaining law and order. We are equally grateful that Malaysia has made available a similar rapid-reaction police force.
>
> "The humanitarian situation has been managed very well by our Minister for Labour and Community Reinsertion, His Excellency Mr. Arsenio Bano, who chairs the Inter-Agency Humanitarian Assistance Group, which includes other Government ministries and agencies, the United Nations Country Team, the International Organization for Migration, international non-governmental organizations, non-governmental organizations and the heads of specific sector working groups. In a very short time, they, along with Minister Bano, were able to mobilize and provide services to the large number of internally displaced persons. I thank the Office for the Coordination of Humanitarian Affairs for its coordination assistance and for the launch yesterday in Dili, New York and Geneva of the flash appeal. A special reference should be made to the impressive efforts of our Church, which has provided shelter and care to tens of thousands of people.

"East Timorese and foreign doctors and nurses, including Cubans and Chinese, have performed and continue to perform their admirable duties. We are grateful to all of them.

"We note with deep appreciation the bilateral assistance provided by our friends, including our closest neighbour, Indonesia, which, in its own time of suffering caused by natural disasters, reached out to Timor-Leste with the delivery of much-needed humanitarian aid.

"The international forces on the ground are continuing their efforts to collect weapons from individuals. Through voluntary surrender or enforced confiscation, close to 1,000 assorted weapons have been collected.

"Pursuant to a decision of the Supreme Council of Defence and Security, on Friday, 9 June, our own defence force, the Timorese Armed Forces (F-FDTL), participated and assisted in the commencement of a weapons inventory inspection operation, undertaken with an international observation team comprising military personnel from Australia, Malaysia, New Zealand, Portugal, the United States and the United Nations Office in Timor-Leste (UNOTIL). The preliminary reports that I have received indicate that it is a success.

"The second part of the operation concerns the PNTL and will take place this week. Members of the PNTL have begun to surrender their weapons and have voluntarily agreed to be cantoned in Dili and to hand over their weapons to the Australian Defence Force. By this weekend, the new Minister of Interior will submit to His Excellency President Xanana Gusmão a complete list of all weapons in the PNTL official inventory. That list will be checked against existing weapons in use by PNTL officers or in the armoury.

"This level of cooperation would not have been possible without my President. His moral standing and influence among all sectors of Timorese society are high. He was pivotal in preventing irregular armed forces — reservists — from leaving Baucau for Dili in the last week of May to join in the violent disturbances. My President's leadership has been fundamental to the stabilization process.

"The graveness of our current crisis causes me great sadness. However, I take this opportunity to assure members that the situation is redeemable. The good work done by the United Nations and the international community, together with the Timorese leadership and the Timorese people, has taken root in the form of State institutions that have had the capacity to continue operations, even at the height of the current crisis.

"Ministries and associated agencies have continued to function, contrary to some media reports that depict us as a failing State. Those ministries and agencies include, but are not limited to, the following: the presidency; Health; Labour and Community Reinsertion; State Administration; Agriculture; Education; Justice, which is working alongside the Combined Joint Task Force in the area of detention, investigation and prosecution; Telecommunications, including Electricidade de Timor-Leste and Timor Telecom, which kept the electricity, telephone and Internet services working throughout; Radio Televisión Timor-Leste, the national television and radio broadcaster; customs; the Port Authority, which is doubling as a military headquarters; air services; and my own Ministries of Foreign Affairs and Defence.

"Timor-Leste's inaugural petroleum exploration bid round was completed on 22 May 2006, when the Prime Minister announced the winners of the bid with the publication of the Evaluation Commission's final report.

"Many shops and restaurants are open — many stayed open — and some taxis and microlets continue to operate. The fact that the private sector continues to function alongside the public sector is indicative of our gains so far.

"The Government has kept the 2006-2007 budget process on track. I wish to provide members with some specific detail, as it demonstrates the Government's competence in this regard and its responsiveness to the people's needs, particularly in the area of rural development. The Council of Ministers meets tomorrow to consider a revised State budget for 2006-2007, which is expected to exceed $315 million and to be in line with the State's

sustainable income levels. That is in addition to the $140 million in donor assistance for development. A total of $110 million will be allocated to capital and development, with $50 million for public works. "Lastly, all public sector workers will receive a cost-of-living adjustment to cover cost increases in fuel and food.

"I should make a distinction for members with regard to the areas of Timor-Leste affected by the crisis. Those areas are limited primarily to the capital, Dili; the other 12 districts have continued to function, with all services operating, including the PNTL police service, whose basic infrastructure has remained intact in the districts. There is, of course, no guarantee that an outbreak of violence will not occur in the regions while the country is in a politically precarious state.

"The border area that Timor-Leste shares with Indonesia has remained calm. I have visited the border on three occasions in the past month, the last visit being of three days' duration. I was accompanied by His Excellency Mr. Ahmed Sofwan, the Indonesian ambassador to Timor-Leste. I thank the Indonesian authorities for assisting us in keeping our common border area safe and stable.

"I came back inspired by the professionalism of the PNTL Border Patrol Unit and of the military forces operating on the Indonesian side. I was, however, concerned about the poor living conditions of our police, which are an incomprehensible example of neglect by our own Government.

"I wish to inform members of our initiatives vis-à-vis political dialogue, as political peace is as necessary to democratic health as physical security. I have been in contact on more than one occasion with every key person and group involved in the conflict. My President has begun to meet each individual and group directly involved in the conflict, as the first step in establishing an all-inclusive political dialogue, which all have agreed to. The all-inclusive dialogue will commence within the next two weeks, with the arrangements in place by the week's end. It will be co-chaired by my President and our two Bishops, the Bishop of Dili and the Bishop of Baucau.

"President Xanana has provided leadership in securing the agreement of all the key individuals and groups that an all-inclusive dialogue was the approach needed to resolve political problems and, furthermore, that all political problems needed to be resolved within our constitutional framework. That recognition demonstrates a commitment to the democratic culture that has begun to take root in Timor-Leste.

"Parallel to the all-inclusive dialogue will be the special inquiry commission that Timor-Leste has requested, as outlined in my letter to the Secretary-General of 8 June 2006. The President, the Prime Minister, the Government, the F-FDTL, the PNTL, religious leaders and civil society all welcome an impartial and independent inquiry, as an important step in reaching a settlement and upholding the rule of law. It is our fervent desire that the special inquiry commission commence immediately. In the interim, the Australian side, through its Federal Police service in collaboration with the Prosecutor General's Office, is undertaking preliminary work to secure some crime scenes and preserve evidence.

"Members will be aware that I have taken on the sensitive portfolio of Defence. My motivation in accepting — and I cannot but say that, as a Nobel Peace Laureate, I am a most reluctant Defence Minister — is to lift the standing of the F-FDTL and to help heal the wounds between the F-FDTL and the PNTL and between both forces and the community.

"While peace has been restored overall, the security and law and order situation remain precarious. It is acknowledged by all that our institutions of State and our democratic culture are fragile. It is, however, our considered view that sustained international support by way of a United Nations police force under United Nations command, with the PNTL working under its auspices — as outlined in the letter to the Secretary-General of 11 June 2006 on the matter, signed by my President, the President of the

Parliament and my Prime Minister — needs to be provided without delay.

"Before I turn to the needs of a new United Nations mission, I wish to reiterate that we Timorese are deeply indebted to the deploying countries but also that, as the emergency situation is nearing an end, it is important that our attention turn to the issue of the transition to a peacekeeping force under the United Nations umbrella, as was the case with the International Force for East Timor in 1999.

"We believe that it is essential to have an international presence under the United Nations flag so as to reduce political and diplomatic tensions. Hence, it is our considered view that the current force in Timor-Leste should in due course be replaced by a United Nations-mandated peacekeeping force.

"It is also our considered view that the current force and its successor — as, indeed, other components of a new United Nations mission — should also comprise a greater number of countries in the region, including, we hope, our friends in Fiji, Singapore, Thailand, the Philippines, the Republic of Korea and other countries that stand ready to contribute to such a force. We were very proud that a country member of the Association of South-East Asian Nations (ASEAN) — namely, Malaysia — came to us at our time of need and was able to respond quickly and professionally. We are very grateful to Malaysia and other ASEAN countries that have indicated a willingness to respond.

"I want to issue a caveat regarding a new United Nations mission: the reality is that we have not been able to undertake a comprehensive needs assessment for such a mission. It is our intention to enter into detailed discussions with the United Nations on this matter in the immediate future. I can, however, offer some preliminary comments regarding our request for an international police force and a special inquiry commission.

"First, the time frame must be long enough to enable our State institutions to move beyond the fragile stage, consistent with our being an infant State. As members know, it is a Herculean task to build a nation almost from scratch, and while we have succeeded, it is an infant nation that we now have. Collectively, we did a remarkable job of nation-building, initially under the stewardship of the late Sergio Vieira de Mello.

"The main focus of the United Nations mission will be the maintenance of a secure environment that involves, inter alia, a multinational military presence, a United Nations police force, presidential and parliamentary elections organized, administered and conducted by the United Nations and key civilian advisory positions, with some embedded in Government administration alongside capacity-building positions, so that our State institutions can be strengthened, along with civil society.

"I wish to place on public record my sincere thanks to the Special Representative of the Secretary-General, Sukehiro Hasegawa, for his good work during the current crisis. Mr. Hasegawa has also served the people of Timor-Leste in an exemplary and selfless manner and has a special place in our hearts, as indeed do our friends from Japan, Mr. Hasegawa's home country, who have made a great contribution to our country.

"I also want to also convey our profound thanks to the United Nations police for their wonderful efforts in attempting to broker a peaceful resolution to a very critical situation on 25 May. We deeply empathize with them; but they acted profes sionally, selflessly and in the best traditions of the civil servants of the United Nations. We salute them.

"The decision is now in your hands, Madam President and members of the Council. We require your sustained engagement. We, the people of Timor-Leste, await your consideration."

The President: I give the floor to the representative of Australia.

Mr. Hill (Australia): We appreciate the opportunity to contribute to this discussion on Timor-Leste. Australia is grateful for the Security Council's prompt attention in the form of the Council President's statement of 25 May welcoming the presence of the international stabilization force. The rapid dispatch of the Secretary-General's Special Envoy, Ian Martin, was

also a welcome development, and we appreciated the opportunity to listen to his briefing today.

Since 1999, the United Nations has, of course, been integrally involved in, first, bringing security to Timor-Leste and, then, beginning the process of nation-building. There have been notable successes, but the recent crisis has demonstrated how fragile those successes have been and the need, again, for the international community — including, importantly, the United Nations — to help consolidate those successes.

As the Security Council is aware, Australia has again been deeply involved in the international response to deliver urgent help. Along with Malaysia, New Zealand and Portugal, we have, at the request of Timor-Leste, deployed military and police to restore stability. We have deployed some 2,500 military personnel, with about 1,900 on the ground at present. We have deployed 150 police, and we are building that up to 200. We believe that that presence will be necessary for some time. The international deployment is now meeting Timor-Leste's immediate security needs. The presence of the deployment has stabilized the situation to the extent that violence is now sporadic, rather than continuing. Arson attacks have been substantially reduced. About 100 people have been arrested and are being processed through the justice system, which is again functioning.

While four countries are contributing to the international deployment, there may be scope for broadening such participation on a voluntary basis and the request of the Government of Timor-Leste. We see no need for the stabilization force to be brought under direct United Nations mandate. We want the United Nations to be free to focus on, and dedicate resources to, addressing Timor-Leste's longer-term needs through a new Security Council-mandated mission.

The international community must build on the momentum that has been provided by the stabilization force. Australia would support a further 28-day extension of the mandate of the United Nations Office in Timor-Leste, but it encourages the Council, supported by the Secretariat, to move urgently to design and implement a new mission. The new mission, we believe, should be established under Chapter VII of the Charter. In designing the mission it is important to recognize that the problems of today are fundamentally different from those faced by the East Timorese people in 1999. The issues today are of internal governance and the failure of law and order, and it was in response to those challenges that the Government of Timor-Leste requested the assistance of external military forces.

The new United Nations mission should, in our view, complement the international stabilization force and should address the key longer-term challenges facing Timor-Leste. In our view, the first area of focus for a new mission should be to establish an environment conducive to political and community reconciliation. It will be of vital importance to Timor-Leste's long-term stability that the United Nations facilitate the efforts urgently needed on the part of Timor-Leste's leaders to build political dialogue and reconciliation. It is, of course, also crucial that those leaders step up and take responsibility for achieving good governance and consolidating democracy within the framework of Timor-Leste's constitution. They must lead their country beyond the point where international assistance is necessary whenever problems occur.

The United Nations must also focus on helping to restore the confidence of the people of Timor-Leste. In the short term, that will include addressing the needs of internally displaced people. The international community, along with the United Nations, must also conduct a thorough and independent investigation into the recent violent events. Further, the United Nations should assist Timor-Leste to prepare for and hold free, fair and informed elections.

The second key area on which the United Nations should focus its attention and efforts, in our view, is the strengthening of the Timor-Leste justice system. On operational policing, careful planning will need to go into managing the transition from the police working within the stabilization force to a United Nations police presence. Close consultation with Timor-Leste's leaders will be required on the issue of interaction by a future United Nations policing presence with Timor-Leste's police force. Australia believes that there is a case for appointing a foreign national as Police Chief. As a longer-term goal, consideration must also be given to structural reform of Timor-Leste's security forces. Strong court and prison administration is an essential part of achieving a functioning justice system. There is a role for the United Nations in helping to achieve both goals. It is desirable that the United Nations should also oversee the prison system, at least

in the short term, to ensure its continued operation, irrespective of political developments.

The third area on which the United Nations should focus is strengthening the machinery of government in Timor-Leste to ensure the continued delivery of basic services in the short term and to support capacity-building in the longer term.

Finally, we would suggest that a particular area of focus is assisting the Government of Timor-Leste to identify opportunities to develop economic growth and so generate employment and address the chronic and destabilizing levels of unemployment. The United Nations and its agencies, as well as bilateral friends, can all play a part in addressing that challenge.

Australia, as a long-term and steadfast friend of Timor-Leste, would be prepared to contribute to such a mission while playing an ongoing role in the stabilization of the security situation.

The President: I now give the floor to the representative of Portugal.

Mr. Salgueiro (Portugal): I am grateful for this opportunity to address the Security Council. I would like start by thanking Mr. Ian Martin for his comprehensive briefing on the situation in Timor-Leste. Mr. Martin is an old friend of Timor-Leste, and it is good to see him once again. I also take this opportunity to commend Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General, and his staff for their work and for the sacrifices they have made throughout this difficult period. I assure them of our willingness to continue to cooperate closely with the United Nations on the ground and to support the United Nations Office in Timor-Leste (UNOTIL) and United Nations agencies in Timor-Leste.

Portugal concurs with the statement which the representative of Austria will soon make on behalf of the European Union. In my national capacity, I wish to make the following remarks.

When I addressed the Security Council at its public meeting of 5 May (see S/PV.5432), I underlined that Timor-Leste had been an important responsibility and a very large investment by the international community and the United Nations. I also said that we should do everything in our power to secure that investment and strengthen the fragile peace and democracy in Timor-Leste. In the light of recent events and as stated by the Secretary-General, we need to carefully assess the lessons of the current unrest to see whether we have withdrawn the United Nations peacekeeping forces too soon. Like Mr. Ian Martin, we think also that the Timorese need to be assured that the United Nations will be with them in the present and in the future.

A Portuguese gendarmerie force totalling 127 personnel arrived in Dili on Saturday, 3 June. In accordance with the memorandum of understanding signed between the Governments of Portugal and Timor-Leste on 25 May 2006, this paramilitary police force is to operate in Dili and its surroundings, under the authority of President Xanana Gusmão and Prime Minister Mari Alkatiri, and with Portuguese operational command. It will also provide, in the future, assistance and training to the Rapid Intervention Unit of the Timor-Leste police. In an attempt to improve cooperation and coordination between forces on the ground, an interim arrangement has been agreed upon regarding operations by the Portuguese gendarmerie force and interaction with the other international forces.

The international forces were deployed to assist a sovereign country, on the basis of bilateral arrangements and with the support of the Security Council. However, the current turmoil shows the need for renewed long-term involvement by the United Nations in Timor-Leste. In defining the future mandate of the United Nations presence in Timor-Leste, we should first and foremost listen to the views of the Timorese, as we just did. We should respect Timorese ownership, since the Timor-Leste of today is not the Timor-Leste of 1999. Since 20 May 2002, Timor-Leste has been an independent, sovereign country. As mentioned by the Secretary-General in his most recent reports, Timor-Leste has made impressive progress in many areas of governance and institution-building, with the support of UNOTIL and bilateral and multilateral partners.

Timor-Leste needs our help. Timor-Leste is not a failed State. We are dealing with a deep political crisis which is having very serious security and humanitarian repercussions. That crisis is far from over. Also, thousands of weapons are missing and could be used in further actions of violent destabilization throughout the country.

Reconciliation will be a long and difficult process, but it is a first, much-needed, step for

Timorese society to take. Political solutions can then be sought, and hopefully found, by the Timorese themselves. The Timorese should remain the masters of their choices regarding the governance of their own country. The support of Portugal for Timor-Leste will continue to be guided by that fundamental principle. There is a clear need for continued multilateral and bilateral assistance and support. But, as in any sovereign and independent State, in the end it will be up to the Timorese to decide, in accordance with their constitutional and democratic system, on issues like justice, the nature and role of the armed forces and the police, economic governance, administration and so on.

Timor-Leste is a child of the United Nations. It therefore needs the universality and impartiality of the United Nations, which must once again take a leading role. In our view, that new mission should be able to facilitate political dialogue and reconciliation, restore and maintain security and ensure that the 2007 elections will be peaceful, free and fair. That is what the Timorese expect from us, and therefore that should be our mission as soon as possible. In that regard, I can assure you and members of the Council, Madam President, that Portugal stands ready to contribute with forces to serve under United Nations command and control.

Justice is a key element for long-lasting political reconciliation. It is important to establish the truth regarding recent violence, namely, that which occurred on 28 April and 25 May. We welcome the request for a special inquiry commission as outlined in the letter of Foreign Minister Ramos-Horta to the Secretary-General of 9 June 2006. We especially welcome the fact that all relevant actors consider that a necessary step to reach a settlement and uphold the rule of law.

We are also concerned by the recent attacks on and looting of the Ministry of Justice, the General Prosecutor's office and the records of the Serious Crimes Unit, particularly the records regarding the crimes of 1999. It is reassuring to know that the United Nations has backup copies of those records. Those sad events underline the need to ensure that all those responsible for the serious crimes committed in Timor-Leste are held accountable, so as to respond to the legitimate desire for justice of all those affected by the violence. We therefore continue to look forward to the report of the Secretary-General outlining a legally sound and feasible approach to the question of accountability in Timor-Leste.

Portugal recalls the responsibility of the international community and of the Security Council in relation to Timor-Leste. Portugal will remain committed to the consolidation of peace, democracy and full political independence of Timor-Leste.

The President: I now give the floor to the representative of New Zealand.

Ms. Banks (New Zealand): May I first thank the Secretary-General and the Security Council for the steps that they have taken to date in response to the situation in Timor-Leste. I would also like to thank Special Envoy Ian Martin for his briefing. We welcome as well the update from Minister Ramos-Horta conveyed to us this morning by the Ambassador. We hear his message that the situation is redeemable.

The situation has improved since the arrival of forces from our four countries, but it remains fragile. New Zealand's deployment in Timor-Leste currently includes 176 troops, supported by a military planning team in Australia and logistical and air-transport assets. We appreciate the expressions of support for the deployment of our forces in response to the request from Timor-Leste. New Zealand is fully committed to working closely with the forces from Australia, Malaysia and Portugal, and in close coordination with the Government of Timor-Leste and the United Nations Office in Timor-Leste (UNOTIL). Such coordination and collaboration by all parties is vital.

Our immediate focus has been on restoring the law and order situation. We have also contributed to humanitarian relief efforts. The New Zealand Government is still giving consideration to the shape and duration of New Zealand's present deployment. But our expectation is that our forces will remain in Timor-Leste while they are needed. Options for further assistance to Timor-Leste, including a possible police contribution, are being considered by my Government.

As the situation has now changed drastically, we need time for the Government of Timor-Leste and the international community to assess the options for the path forward. The input of Special Envoy Ian Martin and the needs-assessment mission will be essential components, complemented by the views of contributing countries and regional partners. New

Zealand stands ready to assist and participate as the team undertakes its work.

We note that any future United Nations mission, and all multilateral and bilateral partners, must work with Timor-Leste to build up real institutional capacity. New Zealand supports the extension of UNOTIL's mandate for a further period, to allow sufficient time for the needs assessment-mission to visit and report back expeditiously.

The Government of Timor-Leste has a decisive role to play throughout this process, especially given that true stabilization can only occur once the underlying political issues are resolved. New Zealand sympathizes with the major challenges being addressed. Some of those result from the complex process of nation-building, with its inherent vulnerabilities. We urge and encourage the Timorese leadership to address those challenges constructively, constitutionally and in a manner that promotes trust and respect. We look forward to the return of security and stability to Timor-Leste, so that confidence in the future can be restored as quickly as possible.

Careful consideration needs to be given to the next steps — not just on the security and policing side but to all the components of stabilization and recovery. As we all know, the investment by the Timorese people, bilateral partners and the international community has been significant. It is important that the United Nations system and the international community send the message of a long-term commitment to supporting and assisting Timor-Leste. New Zealand remains a committed bilateral partner, and we will continue to assist.

The President: I now give the floor to the representative of Malaysia.

Mr. Mohd. Radzi (Malaysia): It was not long ago that Timor-Leste gained its independence, with the assistance of the United Nations. With the continuing active involvement of the United Nations and the determination of its leaders and people, that young nation was acclaimed as a success story in United Nations peacebuilding and nation-building efforts. However, the recent eruption of violence and civil unrest has threatened to undo the painstaking efforts and sacrifices to bring progress and development to the people of that sovereign nation. We firmly believe that, through this body, the international community has an obligation to ensure that peace and stability continue to prevail in Timor-Leste. Only then will that young nation be able to proceed with the implementation of its national development programmes to attain its development goals.

It was also with a similar sense of obligation that Malaysia, with its limited capacity, responded positively and promptly to the emergency request by the Government of Timor-Leste to assist in restoring law and order in that country. Currently, a complement of Malaysian police forces and 333 military personnel are being deployed. They are operating closely with the defence and security forces from Australia, New Zealand and Portugal.

It is quite heartening to hear from Mr. Martin and the Permanent Representative of Timor-Leste that the situation has improved and that signs of a return to normalcy are beginning to emerge. But let us not forget that the unexpected disturbances and civil disorder were actually a wake-up call that Timor-Leste is still in its fragile stages of nation-building and that the United Nations should stand ready to come to its assistance when needed.

Malaysia welcomes the decision of the Secretary-General to send Mr. Martin as a Special Envoy to Timor-Leste to assess the current situation and facilitate political dialogue. We call on the Security Council, in close consultation with Timor-Leste, to continue to conduct a thorough assessment of the underlying problems faced by Timor-Leste, including social and economic factors, in order to find long-lasting solutions. Let us not overlook such factors as poverty, unemployment and the lack or slow pace of economic development, among others. In essence, we feel that the Council, working closely with Timor-Leste, should examine all possible elements that could serve as impediments to peace and development and address them with the emplacement of a broad-based United Nations presence and engagement in sectors requiring United Nations assistance, including the security sector.

Given the fragility of the security situation in Timor-Leste and the need to rebuild the confidence of the people, especially in this period leading to their presidential and parliamentary elections, we strongly feel that it will be necessary for the Security Council to consider the placement of a full-fledged peacekeeping operation, as appropriate. The deployment of a peacekeeping operation, besides the immediate need of

a police force under the United Nations umbrella to sustain law and order, would be essential until the United Nations is confident that cohesive national police and defence forces have been fully re-established.

On the proposal for a rollover of the mandate of UNOTIL to allow for sufficient time to carefully and comprehensively assess the situation in Timor-Leste, my delegation agrees that a serious evaluation would be necessary on any proposal for extension. In that connection, we support the suggestion of Timor-Leste that a robust United Nations police, military and civilian mission is indispensable to assist the people of Timor-Leste to consolidate their hard-won peace and freedom. We stand ready to provide additional police contingents when the United Nations makes a decision in that direction.

My delegation is also concerned that more than 133,000 internally displaced persons are living at various locations in Dili and other areas throughout the country. Priority must be assigned to providing protection, food, water, sanitation, health care and shelter to those internally displaced persons before encouraging their return. We would like to commend the contributions that have been made and we call on the United Nations system to continue providing for the needs of those people.

Finally, we would also like to call on all parties in Timor-Leste to continue their political dialogue and engagement involving all relevant stakeholders, to settle their differences peacefully and to work towards national unity and reconciliation.

The President: I shall now give the floor to the members of the Council.

Mr. Al-Nasser (Qatar) (spoke in Arabic): At the outset, I should like to welcome Mr. Ian Martin, Special Envoy of the Secretary-General for Timor-Leste, and to thank him for his briefing this morning.

We also commend the efforts of the Secretary-General to find a peaceful solution to the situation in Timor-Leste in order to ensure lasting peace, security and national reconciliation there.

Events in Timor-Leste have accelerated and deteriorated in recent weeks. It is to be feared that this will lead to a humanitarian crisis in a situation that is already exacerbated by poverty. The information emerging from the camps to which people have fled from the violence indicates that current conditions could lead to further tension, given the precarious circumstances there. We must act rapidly to respond to the humanitarian needs and to ensure the restoration of security and stability in Timor-Leste.

In that respect, my delegation welcomes the actions of the four friendly States amongst us who sent forces to Timor-Leste in order to restore peace, security and stability. Despite the strenuous efforts of those forces, acts of violence and vandalism continue in Dili. A return to stability requires the strengthening and combining of the efforts of the international community to halt the violence, to relaunch the process of national reconciliation and to overcome all differences.

The United Nations has played an important role in the young country of Timor-Leste in recent years. The Organization has invested much energy in achieving stability and supporting the young State. Given the United Nations achievements there and the need to prevent them from being undermined, it will be necessary for the international community, through joint action, especially in the Security Council, to give total support to an expanded United Nations presence on the ground and in military terms, as well as to accord the greatest attention to the proposal to be made by the Secretary-General concerning United Nations action in Timor-Leste. That will allow us to establish conditions conducive to the forthcoming elections.

Mr. Manongi (United Republic of Tanzania): Our statement will be circulated, so I should just like to make five points.

The first is to express deep regret at the recent negative developments in Timor-Leste.

The second is to commend the quick action taken by the Secretary-General not only in consulting leaders in the region and maintaining contacts with countries that had committed to sending forces to help restore stability, but also in deciding to send his Special Envoy. The Envoy's message that this was not a moment for despair, but a time for the people and leaders of Timor-Leste as well as the international community to act together, deserves our collective support.

Thirdly, we applaud Australia, Malaysia, New Zealand and Portugal for their response in sending forces to help in the restoration of order and stability.

as well as those who responded and continue to respond to the existing humanitarian challenges.

Fourthly, we appeal to the Timorese leadership to take urgent action to begin addressing the root causes of the conflict, including heeding the Secretary-General's message that any corrective measures must be pursued within the framework of the Constitution. We welcome the establishment of an independent commission of enquiry.

Lastly, the relapse of Timor-Leste is tragic. In hindsight, it can now be said that the Timor-Leste peacekeepers were pulled out too soon. We can, however, remedy that by supporting Timor-Leste while it heals its wounds and by helping the country to address the social and economic problems it faces. Timor-Leste needs an enhanced and extended United Nations presence. This Council can help make that possible. The United Republic of Tanzania will support such efforts.

Mr. Mayoral (Argentina) (spoke in Spanish): At the outset, I would like to thank Mr. Ian Martin for his briefing on the current situation in Timor-Leste. We believe that the appointment of Mr. Martin to carry out that most delicate mission was most appropriate, given his in-depth knowledge of the situation in Timor-Leste and his excellent relations with most of the Timorese leaders.

We also commend the statement made by the Permanent Representative of Timor-Leste on behalf of his Minister for Foreign Affairs, Mr. Ramos-Horta. Through Ambassador Guterres, I should like once again to convey to the authorities in Dili the assurance that Argentina continues and will continue to support Timor-Leste in these difficult circumstances and that my country will take Timorese preferences duly into account when making a decision on a future presence of the United Nations.

Let us recall that for more than four years now, Timor-Leste has been a sovereign country. We call on the people and the leadership of the country to resolve all of the existing differences through peaceful means, in the framework of democratic processes, with full respect for human rights.

We believe that additional efforts should be made to achieve national reconciliation. Within that framework, it will be important to take account of the results of the current investigations into the circumstances and the root causes of the recent acts of violence. We believe also that those responsible for such acts cannot go unpunished.

My country recalls vividly the terrible events of 1999 and believes that no effort should be spared in order to put an end to the cycle of violence. In that regard, Argentina recognizes and welcomes all the efforts made by Australia, Portugal, New Zealand and Malaysia through the timely deployment of military and police troops. We welcome the statements made by those delegations at this meeting.

We believe that the violence is not being perpetrated only by those persons who have been expelled from the armed forces. Other illegal bands and groups have exploited the situation in order to create chaos and confusion. As has been demonstrated, the proliferation of small arms in the country is an additional cause for concern.

The serious incidents that took place in Timor-Leste have compelled us to reassess the overly optimistic prognosis we made a few months ago. In particular, we believe that the Secretariat's assessment with regard to Timor-Leste's future need for United Nations assistance should be reviewed, so as to ensure the consolidation of the progress achieved in that country since its independence and prevent those gains from being reversed.

We believe that it is increasingly clear that the continued presence of international military and, above all, police troops will be essential in the months to come, in particular with respect to the general elections to be held in 2007.

We expect to receive as soon as possible specific recommendations from the Secretary-General as to the specific format and composition of such a presence. Nevertheless, we should not rule out a priori the possibility of including military and police components in the mandate of the mission that is to replace the United Nations Office in Timor-Leste (UNOTIL).

On the basis of the recommendations of the Secretary-General, and taking into account the preferences of the Government of Timor-Leste, my delegation will actively participate in the negotiations to be held in forthcoming weeks in order to establish the new United Nations presence in that country. In the meantime, we believe that UNOTIL's mandate should

be accorded a technical extension until the Secretariat can work out the details of the new operation.

Likewise, we believe that the presence of international troops in the framework of current bilateral arrangements is necessary so as to maintain security in Timor-Leste until the new multilateral arrangements can be implemented.

Ms. Tincopa (Peru) (*spoke in Spanish*): We would like at the outset to welcome Mr. Ian Martin, the Special Envoy of the Secretary-General, and to thank him for his briefing. We would like also to thank Ambassador Guterres for his briefing on behalf of Minister Ramos-Horta.

Peru regrets the violent incidents that have taken place in recent weeks in Timor-Leste related to the political and security situation in that country, which make clear the serious problems that the country is still facing. We would like to express our gratitude to all of the Timorese and international players that are seeking dialogue and reconciliation, with a view to restoring peace and security.

We welcome also the support of the four countries that provided security and defence forces in the framework of bilateral agreements, and we take note also of the statements they made today in the Council.

Likewise, we would also like to highlight the timely humanitarian assistance provided by some international organizations, including the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and non-governmental organizations, to assist the civilian population and displaced persons. We believe that such assistance should continue.

Peru believes that the instability that Timor-Leste is experiencing requires international support. The United Nations cannot abandon Timor-Leste at a time when it is in such dire need of assistance. As we have pointed out in previous statements, we believe that Timor-Leste requires a compact whereby the United Nations, the friends and partners of Timor-Leste and the international community, including international financial institutions, would provide resources for the achievement of specific objectives that would ensure stability, development and security in that country.

To do so, it is important for the Government responsibly to present a political and development plan agreed upon by all social actors which would include policies and actions aimed at ensuring good governance, as well as programmes related to the allocation of income obtained from oil and gas to development and to the fight against poverty. It is important for the Government to ensure that resources are distributed in such a manner that they benefit the neediest segments of the population. We believe that this is a crucial step on the path to a viable State that is sustainable in the long term.

We reiterate that the Security Council must do all it can in order to protect the investment that the United Nations has made in Timor-Leste. We support the extension of the mandate of the United Nations Office in Timor-Leste (UNOTIL) for another month, but we believe that the United Nations office that will established after UNOTIL must have a robust mandate that is focused on strengthening democracy, building the capacity of national mechanisms for the promotion and protection of human rights, and providing the necessary assistance in the area of security and support for the elections. The success of the 2007 elections will be a decisive step for peacebuilding and democracy in Timor-Leste.

Likewise, Peru calls on the Timorese leaders to act responsibly, through dialogue and confidence-building. We deem it important to investigate the causes of the violent incidents that took place in Dili and in other towns and that action be taken in that respect. We also deem it important that the task of implementing the recommendations of the Commission on Reception, Truth and Reconciliation should continue, in particular with respect to acknowledging the victims and denying impunity to those responsible for human rights violations.

Mr. Christian (Ghana): Madam President, I wish to commend you for having convened this meeting and also to take this opportunity to express to the Special Envoy of the Secretary-General, Mr. Ian Martin, my delegation's appreciation of his briefing on the crisis in Timor-Leste. We have taken note of the updates and assessments made by the representatives of Australia, Portugal, New Zealand and Malaysia — the countries that are currently leading the international effort to restore normalcy to Timor-Leste. My delegation joins others in thanking them for their initiatives, which deserve our encouragement and support.

In that regard, we also welcome the proposal to establish a United Nations force in Timor-Leste. Hopefully, the people of Timor-Leste will quickly put the unfortunate events of the past few weeks behind them and reunite behind their leaders in building a united and prosperous nation. We appeal to those still bent on fomenting trouble to realize that a sharply polarized, unstable and impoverished country is ultimately not in anyone's best interest. They must therefore lay down their arms and revert to frank and open dialogue in order to address the root causes of the problems of Timor-Leste.

Venting frustration through violence can only aggravate the woes of the deprived and make life more miserable and insecure for the population. Indeed, the grim spectacle of tens of thousands of displaced persons sheltering in makeshift camps and dependent on relief is a step backwards from the optimism that had, until recently, greeted the steady transition of Timor-Leste into a viable State.

These setbacks notwithstanding, the international community can help the people of Timor-Leste step back from the dangerous course they have taken lately. My delegation believes that restoring law and order is an immediate challenge and an utmost priority in these circumstances. We also support the call for urgent humanitarian relief for the displaced persons. At the same time, there is no question but that lasting peace and stability can be achieved in Timor-Leste only when the country's long-term development is addressed with a high sense of urgency. While the carefully designed programme of institutional development and capacity-building must be vigorously implemented as the building blocks of a modern State, the fact remains that meeting the basic needs of the people is what will make each citizen live at peace with himself or herself and with his or her neighbour. That, in turn, requires that Timor-Leste be given a genuine economic space to develop, which must also take into account the need to harness and manage the country's resources in a manner that would benefit future generations.

Mr. Oshima (Japan): Madame President, the Japanese delegation appreciates your convening this important meeting today on Timor-Leste — a young country struggling on its way to building a promising nation and now suddenly finding itself in turmoil. I thank Mr. Ian Martin for his briefing on the latest situation, based on his active engagement on the ground with the leaders of Timor-Leste. I also thank the representatives of the four countries that have deployed stabilization forces to Timor-Leste at the urgent request of the Timor-Leste Government for their statements.

We had hoped to have the presence of the Foreign and Defence Minister, Mr. José Ramos Horta, at this meeting today. However, we all understand how difficult it would be for him to leave his country at this critical time. My Government sent a strong message to him and the other leaders of the Government of Timor-Leste of Japan's continued strong support of them.

I also would like to take the opportunity to commend the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, and his team on the ground for their tireless efforts, in particular for Mr. Hasegawa's visits to many parts of the country with a view to contributing to the progress of political reconciliation.

Many in the United Nations and outside it have believed and remarked that Timor-Leste is a proud success story in the history of United Nations peacekeeping and peacebuilding operations — a model of international peace and development cooperation in which the United Nations and the rest of the international community worked together with the people of a territory to help them move from conflict to making a successful transition to peace and nation-building.

Throughout the period of the United Nations Transitional Administration in East Timor (UNTAET), the United Nations Mission in East Timor (UNMISET) and the United Nations Office in Timor-Leste (UNOTIL), the people in that land, guided by their distinguished leaders, have demonstrated remarkable resilience and a sense of ownership, and have made steady strides towards sustainable development. Other important actors, such as bilateral and multilateral partners, joined forces to provide indispensable supplementary assistance. Based on achievements in the areas of public safety and order and reassuring progress in the building of State institutions, our collective judgment in the Council, until recently, favoured bringing the engagement of the United Nations, through UNOTIL, to a careful but gradual close.

However, the events and disturbances we have seen in the past few weeks in Dili and the rest of the country have revealed the fragility of the present

situation. Moreover, it is regrettable that the current disorder was invited and worsened, in no small part, by political conflicts among the leadership of Timor-Leste.

In the aftermath of the turmoil, the most urgent necessity has been the restoration of law and order in society. Japan commends the quick action of the four countries — Australia, Malaysia, New Zealand and Portugal — in dispatching their troops and police forces in response to the request of the Timor-Leste Government, in order to stabilize the security situation. That response by the four countries was not only welcome but demonstrated, we believe, a level of maturity in the commitment by countries with interests in the region to addressing the question of peace and welfare in the region as a whole.

At the same time, it is clear that resolving the problems now faced by the Timorese must go beyond immediately restoring public order and will have to entail measures that address the underlying causes of today's problem in Timor-Leste. In this regard, it is important, first and foremost, that internal political reconciliation be achieved through ownership by the Timorese themselves. We believe that the United Nations could play a useful role in facilitating this process, but the process should be led and owned by the Timorese, and not by the United Nations. It is our hope that all the political leaders of Timor-Leste will recognize their responsibility and strive to create a constructive and forward-looking relationship among themselves, putting unity and the best interest of the country above all.

With regard to the request from the Government of Timor-Leste concerning the establishment of an independent inquiry commission regarding the violent incidents in April and May, the possible involvement of the United Nations and the manner and extent of that involvement in such a process should be carefully considered, taking into account, inter alia, the points I have just mentioned.

I also would like to mention the humanitarian crisis in the country, in which more than ten thousand people have been internally displaced and forced to live in dire conditions. To alleviate their situation, the Office for the Coordination of Humanitarian Affairs (OCHA) launched a flash appeal requesting $18.9 million yesterday. My Government has decided to contribute $5 million in response to that appeal. We call for a similarly quick and positive response from other Member States.

In parallel with the political solution, we should also look again at the underlying economic and social problems faced by the Timorese that contribute to fragility in their society and create causes for unrest. Here, there are more lessons to be learned. Not least is the acute problem of youth unemployment, which has come under the spotlight. Efforts to alleviate these social problems, including expanding employment, may not be within the direct province of the Security Council. Nevertheless, discussion on this issue cannot be avoided because it has an impact on the outcome of the United Nations peacekeeping and peacebuilding activities in Timor-Leste, as indeed is the case in other instances of peacebuilding elsewhere in the world where the United Nations is involved. Although the international community has continuously provided its support for the reconstruction and development of Timor-Leste through bilateral and multilateral channels, in our view this issue has not been addressed sufficiently.

It is now important to effectively and efficiently utilize these international assistance resources and seek to comprehensively address the country's social problems, in full respect, once again, of the concept of ownership by Timor-Leste. The country's leadership should focus on the root of the problems and ensure appropriate distribution of resources. The significant potential revenue from natural resources development in the Timor Sea should be managed prudently and in a transparent manner for the most efficient use of those resources and for the greatest benefit to the Timorese people.

We consider that Timor-Leste could be considered as a case for study in the Peacebuilding Commission at an early appropriate time.

The shape of post-UNOTIL United Nations engagement should be considered in the light of those aforementioned points. The international community now needs to draw a lesson from this recent series of incidents, conduct a review of the past United Nations activities and consider ways to enhance the Organization's role in Timor-Leste with urgency but with a certain degree of caution. In order to allow such a review and planning for post-UNOTIL engagement, we support the proposal of the Secretary-General to

once again roll over the mandate of UNOTIL for an appropriate period of time.

Japan will consult with other members of the Council, members of the core group on Timor-Leste and other major stakeholders on a draft resolution for the rollover. We also expect that the Secretary-General will, reasonably soon, present recommendations to the Council for its consideration on the follow-on mission, based on the assessments of the field mission led by Mr. Hasegawa and his team and the Special Envoy, Mr. Ian Martin. We look forward to the timely issuance of his report on that subject.

Finally, Japan has provided significant support to Timor-Leste for the past seven years, since the start of United Nations involvement in that country in all its phases. That has included the dispatch of an engineering battalion of our Self-Defence Forces, as well as police advisers and civilian experts for capacity-building. We also support a number of assistance projects and programmes at the Government and community levels. We will continue to work closely with the Government of Timor-Leste and in close consultation with the core group, multilateral institutions, non-governmental organizations and other key actors in the region and beyond.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We thank Mr. Ian Martin, Special Envoy of the Secretary-General for Timor-Leste, for his detailed briefing on the situation in Timor-Leste and for the efforts undertaken to normalize it. We also heard with great interest the statement of Mr. Ramos-Horta, Minister for Foreign Affairs and Defence of Timor-Leste.

The Russian Federation is concerned about the continuing serious crisis in Timor-Leste. The situation there remains very complex and unstable. Of particular concern are the increasing tension among ethnic groups in Timorese society and the increase in internal political conflict. However, we cannot fail to note the positive effect of the prompt deployment — at the request of Timor-Leste's leaders — of international military and police forces from Australia, Malaysia, New Zealand and Portugal and of United Nations efforts to help resolve the crisis.

We greatly appreciate the activities of the Secretary-General, his Special Envoy, Mr. Ian Martin; the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa; and all the staff of the United Nations Office in Timor-Leste. Of course, there is still much work ahead of them.

The crisis in Timor-Leste has clearly shown how weak and unstable that country's major State institutions remain, against a background of major social and economic problems. It is essential that the parameters and modalities for a future United Nations presence in Timor-Leste be commensurate with the country's needs. We expect the Secretary-General to make specific recommendations in that regard. We hope that they will take into account the lessons of this crisis and the wishes of Timor-Leste's leaders.

Mr. Li Junhua (China) (*spoke in Chinese*): The Chinese delegation would like to thank Mr. Ian Martin, Special Envoy of the Secretary-General for Timor-Leste, for his briefing on the most recent developments in Timor-Leste. We also express our appreciation for the statement made by the Permanent Representative of Timor-Leste on behalf of the country's Minister for Foreign Affairs. In addition, the Chinese delegation would like to thank the representatives of Australia, Malaysia, New Zealand and Portugal for their briefings on the activities of the military and police forces of their respective countries. At a time of turbulence in Timor-Leste, those four countries, at the request of the Government of Timor-Leste, sent in military and police forces whose swift deployment has played an important role in helping to restore stability and order on the ground. We express our appreciation to them for their efforts. I also take this opportunity to pay tribute to all the staff of the United Nations Office in Timor-Leste for their continuous work in difficult circumstances.

For more than six years, Timor-Leste has been a success story and a source of pride among United Nations operations. However, the continuous turmoil of the past six weeks has been a source of concern for the international community. People are asking: has the United Nations success story in Timor-Leste gone with the wind? Will the international community's investment in Timor-Leste go down the drain?

I recall that a representative of the Chinese delegation, speaking here in this Chamber (see S/PV.5132, p. 21), compared Timor-Leste, the youngest, least developed country in Asia, to a toddler: although it has taken its encouraging first step, it may still fall. Unfortunately, Timor-Leste took a fall with the recurrence of instability. What we should do, rather than lament and sigh, is to help Timor-Leste stand up

again as soon as possible, heal its wounds and return to the path of steady and healthy development.

To that end, China wishes to make the following observations.

First, all political forces in Timor-Leste should base themselves on the overall interests of national stability and security, set aside previous differences and disputes, seek common understanding and reconciliation, resolve their problems within the constitutional and democratic framework and renew the people's hope and confidence in the future of their country.

Secondly, the international community should continue to provide Timor-Leste with multifaceted assistance at this very difficult time in order to help the Government and the people restore normality at an early date. At the same time, it is essential to be fully aware of the sensitivity and fragility of the situation in the country, to act strictly within the limits of propriety, to maintain a fine balance and to avoid becoming involved in Timor-Leste's internal problems and ethnic disputes or, worse still, imposing one's own views and demands.

Thirdly, the United Nations should carefully study the causes of the resurgence of conflict in Timor-Leste, undertake targeted measures to resolve the problems thus revealed and make appropriate plans and preparations for the United Nations presence in Timor-Leste, taking fully into account the views of the Government of Timor-Leste. We look forward to the observations and recommendations of the Secretary-General in that regard.

Finally, because the situation in Timor-Leste is not yet fully stable, and so that the Secretariat has sufficient time to carefully plan and prepare for the next step, China agrees to another technical rollover of the mandate of UNOTIL.

There is an old Chinese saying to the effect that a misfortune may be a blessing in disguise. While Timor-Leste has suffered a temporary setback, we believe that, if its Government, its people, the international community and the United Nations all learn lessons from that setback, seriously and objectively study and address the root causes of the problem and become wiser as a result, then Timor-Leste will not have taken this fall in vain, the enormous investment made by the international community will not be lost and the United Nations will surely write a new chapter in the success story of Timor-Leste.

Ms. Wolcott Sanders (United States of America): We thank Special Envoy Ian Martin for his excellent report on the situation in East Timor and the Permanent Representative of East Timor for his detailed presentation from Foreign Minister Ramos-Horta. We also thank the representatives of Australia, Malaysia, New Zealand and Portugal for their reports, and we commend their forces on the ground for their efforts to consolidate peace and stability in East Timor. We are pleased that coordination among the international forces in Dili continues to improve and that their collective efforts have led to a substantial reduction in the level of violence in Dili. Finally, thanks are due to Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General, for the job that he and his colleagues in the United Nations Office in Timor-Leste (UNOTIL) continue to do in East Timor, and to Special Envoy Ian Martin for his productive efforts in the past few weeks.

We recognize that, even when the violence is quelled and the situation is brought fully under the control of the central Government, formidable challenges will remain for East Timor.

Under the current circumstances, the mandate of UNOTIL should not be allowed to expire on 20 June. But given that it was not structured to deal with the current unrest, we believe that it should be extended only for another 30 days, until 20 July, to give the Security Council time to work out the structure of the United Nations follow-on mission.

Because resolving the current crisis will require sound, credible information regarding its causes, and because of the urgent need to investigate the deaths that took place in Dili on 28 and 29 April and from 23 to 25 May, we concur with the Government of East Timor's request that the United Nations conduct an independent inquiry into those matters and believe that the resolution extending UNOTIL's mandate should include provisions for it to commence immediately. While the details of such a follow-on mission will be the subject of much discussion in the coming weeks, one thing is already clear: the disintegration of the Timorese national police during the crisis stemmed directly from its politicization and the lack of a central doctrine and training plan. The police will need to be retrained from the beginning, with one country

assuming that responsibility so that training will be the same across all ranks and units. In addition, Chapter VII authority may be necessary for the international community to provide the robust assistance needed to help East Timor overcome the current crisis.

The recommendations of the United Nations electoral needs assessment mission for East Timor illustrate how the United Nations can be most helpful. In order to ensure that East Timor's democratic development continues smoothly, we believe that the United Nations Electoral Assistance Division should, in cooperation with the Government of East Timor, organize and administer the upcoming national elections. We also continue to strongly support credible accountability for the crimes against humanity committed in East Timor in 1999.

We deplore the pilfering of the files of the Serious Crimes Unit during the current unrest and call on the Government of East Timor to assist in safeguarding that vital evidence. We also strongly urge that copies of the Unit's files be promptly sent to the United Nations, as directed in the resolution establishing UNOTIL's mandate (resolution 1599 (2005)). We look forward to further progress by the bilateral Truth and Friendship Commission and are hopeful that it will pursue a credible process that is transparent, identifies the names of perpetrators, protects witness confidentiality and involves the international community.

Mr. Gayama (Congo) (*spoke in French*): This year, Timor-Leste, a State in which the United Nations is particularly invested, should be celebrating the fourth year of its independence in peace and harmony.

The assistance provided by the United Nations since 1999 — through, successively, the United Nations Mission in East Timor; the International Force, East Timor; the United Nations Transitional Administration in East Timor; the United Nations Mission of Support in East Timor; and the United Nations Office in Timor-Leste, established in 2005 — made it possible for the young republic to move steadfastly towards the establishment of a State based on the rule of law and to lay the foundations for sustainable development.

Indeed, thanks to the United Nations, East Timor now has a constitution and a national development plan, and it has embarked on an institutional capacity-building process. Unfortunately, against that promising backdrop, destabilizing events took place in April and May, centred on Dili, the repercussions of which are continuing. My delegation condemns those acts of violence — perpetrated one year after the departure of United Nations troops and in the lead-up to elections — which are putting the nation in jeopardy and endangering the lives of the Timorese people, and which threaten to dash the hopes of the international community as a whole. We therefore encourage the international community to continue to assist in efforts to return the situation in Timor-Leste to normal.

The Security Council took steps to deal with the dangers threatening the budding democracy by issuing, on 25 May, a presidential statement (S/PRST/2006/25) that supported, in particular, the request for assistance made by the Timorese Government. The Congo welcomes the prompt response of Australia, Malaysia, New Zealand and Portugal — the States that were called upon — whose dispatch of troops prevented the deterioration of the situation and large-scale humanitarian disaster.

Wisely, the Secretary-General promptly sent his Special Envoy, Mr. Ian Martin, whose briefing to the Council today will prove to be of great assistance to us in our decision-making.

In the light of the recent developments in the country, the proposals made by the Secretary-General in his report contained in document S/2006/251 can be usefully placed on the agenda again, especially those relating to a commission of inquiry and, more generally, to the involvement of the United Nations in the envisaged security sector reform and in the provision of support for institutions and for efforts aimed at national reconciliation.

In conclusion, my delegation supports all of the efforts to restore stability and peace in Timor-Leste. We call on the Timorese parties to ensure calm. We note the efforts aimed at reconciliation already made by the Timorese authorities, religious leaders, security forces and all those in the country and in the region who are able to guarantee respect for the electoral deadlines and ultimately promote the triumph of legality and the rule of law.

Mr. Duclos (France) (*spoke in French*): I will be brief, because many of my colleagues have already said what I wanted to say. I align myself with the statement to be made later by the Permanent

Representative of Austria on behalf of the European Union.

What happens in Timor-Leste affects us here in the Council in a special way. We have therefore followed the events of recent weeks with a great deal of apprehension, as well as with sympathy. I would like to ask the representative of Timor-Leste to convey that message to his Prime Minister, José Ramos-Horta, in response to the message that he conveyed to us today.

What immediate lessons can be learned from the events of recent weeks, and what can we do? I would like to draw three preliminary lessons.

First, the United Nations must not withdraw too soon or prematurely from a situation in which it is clearly playing a pivotal role. That is clear.

Secondly — to go a little further — when the United Nations withdraws from such a situation, that has consequences in terms of the balance among local actors, as well as repercussions for the interest manifested by international donors. Thus, a poorly planned withdrawal is indeed a withdrawal that could have negative repercussions on the ground and that could discourage donors. I believe that all of us in the Council are looking for an exit strategy; our work in that regard should include an analysis of the impact of our withdrawal.

The third lesson that I think we should bear in mind is one that could do much to bring about a departure from our normal practices. We note that, in the case of Timor-Leste, we possessed no in-depth analysis of the country's political problems. Here, I thank Mr. Ian Martin for his briefing; I was unable to be here to listen to it, but I read the text very carefully. It shows the extent to which we underestimated the political rifts in Timor-Leste society. Those rifts became apparent in a particular situation related to the police and the armed forces. This gives us food for thought. Aristotle observed that man was a political animal, and we should not think that we can solve political problems by increasing humanitarian and development assistance and by providing security from outside the country. We must tackle the political problems.

What, then, are we to do? It is now clear that the United Nations will be re-engaging in Timor-Leste, and we are all determined to do so. As to the modalities, everyone understands that we must take some time to reflect in order to formulate them. That time for reflection will actually be a period of intensive action. we expect, in particular, that the Secretariat will continue the assessment that Ian Martin began and, above all, will pursue its contacts with all the authorities concerned. The Secretariat should propose to the Council one or several options that have been carefully tested vis-à-vis our Timorese partners.

My next comment relates to the message we must send at this stage of the crisis. There has been a great deal of talk about the success of the United Nations in Timor-Leste; I myself always had doubts about this, because the time period had been quite short and it was therefore premature to speak of success. Let us recall Zhou Enlai's comment about the impact of the French revolution: "It is too soon to say". That is all the more true of a country that is only four years old. Hence, it was too soon to speak of a success. But let me add that it is far, far too soon to speak of a failure.

The message we must send to the entire world is that it was not abnormal for a newly independent Timor-Leste to encounter difficulties; that is in the natural order of things. The important thing is for Timor-Leste to show a determination to take the measures necessary to return to the path of progress and State-building. Also important, as the Secretary-General and Ian Martin have both said, is that the international community be mobilized as manifested in the immediate action by the four countries that have provided forces, and that the United Nations remain mobilized and remain by the side of Timor-Leste. The Organization must be entirely determined to do its share to help Timor-Leste.

Mr. Matulay (Slovakia): First of all, Madam President, I wish to express my appreciation to you for convening this timely public meeting on Timor-Leste, as the Council is currently considering the best available options to address the situation in the country and the problems underlying it. We listened with great interest to the Special Envoy of the Secretary-General, Mr. Ian Martin, and we thank him for his assessment and his observations. My delegation also welcomes the diplomatic efforts of the Secretary-General's Special Representative for Timor-Leste, Mr. Sukehiro Hasegawa, which are aimed at helping the country out of its current political and humanitarian crisis.

The Permanent Representative of Austria will shortly make a statement on behalf of the European

Union, and Slovakia fully associates itself with that statement. I will thus limit myself to the following additional remarks.

The United Nations has sought to create a viable nation-State in Timor-Leste since the original United Nations Transitional Administration in East Timor (UNTAET) was set up in 1999 following the country's vote for independence.

After many years of suffering, the country was just beginning to show signs of progress and was portrayed as a success story for United Nations peacekeeping and humanitarian activities. Now, in recent weeks, ethnic and regional grievances and political rifts have been unravelling much of that effort. Foreign troops returned to Timor-Leste last month as the worst violence since the formal independence four years ago threatened to tip Asia's youngest nation into chaos, resulting in numerous deaths and thousands of internally displaced persons.

My Government is very concerned over the deteriorating situation in Timor-Leste and the resulting casualties. We call on all sides in Timor-Leste to act in the interests of the Timorese people, the region and the international community. We call upon the Government to undertake intense efforts to surmount the political and institutional problems, to rectify the underlying defects and to ensure the protection of civilians, in cooperation with the United Nations and international troops.

The peacekeepers are gradually restoring order in the capital, Dili, consistent with the arrangements already in place between the Government of Timor-Leste and the Governments of Australia, Malaysia, New Zealand and Portugal, whose troops and police have been deployed to help restore security there. When the immediate crisis is over, the Timorese leadership still has to face the problems that underlie the situation. The challenges that remain are formidable, but the Government and the people of Timor-Leste must never be deflected from their efforts to move towards full-fledged democracy and sustainable economic and social development.

Timor-Leste's combination of weak governance, continuing grinding poverty and a fragile democracy means that it will struggle to function on its own for years to come. With the upcoming parliamentary and presidential elections in 2007, the country is rapidly approaching yet another crucial crossroads in its history. The elections will be of utmost importance for Timor-Leste's future stability and democratic development and must be conducted through procedures that are fair.

We are therefore convinced of the continuing need for strong United Nations involvement in consolidating peace and democracy in Timor-Leste before the country can function independently. My delegation is ready to engage constructively in the deliberations that will take place in the Security Council on the conditions and design of the future United Nations mission in Timor-Leste.

Mr. Vassilakis (Greece): I too would like to thank Mr. Ian Martin, Special Envoy of the Secretary-General, for his briefing on the latest developments in Timor-Leste. I would also like to thank the Permanent Representative of Timor-Leste for his presentation.

Greece fully aligns itself with the statement to be made shortly by the Permanent Representative of Austria on behalf of the European Union. Allow me to make some remarks in addition to that.

The Greek Government deplores the unfortunate violent incidents, and expresses its deep condolences to the Government and the people of Timor-Leste on the loss of so many lives and the enormous destruction of property. We regret that such a short period of time was enough to overturn the successes and gains of the past four years. This clear manifestation of the fragility of the East Timorese political, security and social situation is more than worrisome, and it deserves the full attention of the Security Council.

At the same time we have learned the lesson that even though we ought to be saving money, the withdrawal of United Nations forces should take place in a more cautious way.

We commend the immediate dispatch and deployment of defence and police forces by Portugal, Australia, New Zealand and Malaysia in response to the request of the President and Government of Timor-Leste. Furthermore, we are very pleased to see all the efforts undertaken by the United Nations Office in Timor-Leste (UNOTIL), especially with regard to easing the humanitarian crisis. On the other hand, we regret that UNOTIL's mandate is coming to an end under such dire circumstances.

There is no doubt that Timor-Leste needs a new reinforced United Nations mission so that the defence,

security and justice institutions can regain their functional capacity and so that the East Timorese people can be guaranteed a safe and peaceful everyday life. It is also important that all those who committed the recent crimes and abuses be brought to justice.

Greece has paid particular attention to the assessment of the situation presented today by Mr. Martin. We also give positive consideration to the views of the Government of Timor-Leste, especially in the context of the preparations for, and holding of, presidential and parliamentary elections next year.

In the current circumstances, the main task of the Security Council is to safeguard the viability of Timor-Leste's democratic institutions. Greece looks forward to working with the other members of the Council to achieve consensus in formulating the most appropriate draft resolution concerning the United Nations mission that will succeed UNOTIL. We also look forward to the specific recommendations of the Secretary-General.

In conclusion, we hope that political reconciliation and the disarmament of all illegal groups can be achieved in the near future, paving the way for the resumption of efforts to rebuild this young nation and put much-needed development projects back on track.

Sir Emyr Jones Parry (United Kingdom): At the outset, I would like to align myself with the statement to be made shortly by the representative of Austria on behalf of the European Union. I would also like to join colleagues who have already spoken in thanking Ian Martin for his assessment of the situation in Timor-Leste, to thank him for his efforts there in recent weeks and, incidentally, to thank him for the terrific job he was doing in Nepal before he set off to East Timor. I hope he gets back to Nepal quite soon. I would also like to thank the Special Representative of the Secretary-General for his continuing work in Timor-Leste.

We heard this morning from the four countries that responded so quickly to the request from the Government of East Timor for assistance. The stabilization achieved by that arrangement argues very much for supporting the status quo. The Government of East Timor requested that assistance, and the Security Council provided cover in a presidential statement. We want that to continue. We look to the four countries to coordinate with the Government of East Timor and the Special Representative of the Secretary-General so that they have maximum impact on the ground in Timor-Leste.

It is obvious that the United Nations needs to do more, on a sustainable basis, in Timor-Leste. It will be important that all parties work together to achieve the best outcome for this fledgling country — as the Secretary-General has put it, this child of the international community — and to meet the challenges of preparing for the elections in 2007.

Frankly, we must be prepared to do whatever it takes to take us through to the logical state. That state is one where there is stability, political progress and development in the economy, and where security has been attained. It is going to be a challenge to keep that process on track, bearing in mind that elections are not an end in themselves. What we need is for elections to lead to a sustainable political situation. That means that much more needs to be done now, and through the time of the elections, in the areas of governance, the rule of law and institutional capacity-building. That does not happen overnight. Following this briefing, the Security Council must consider how to respond. We should decide carefully and quickly what we are going to do.

The United Kingdom supports a 30-day extension for the United Nations Office in Timor-Leste. That would allow time for further discussion. But I fear that any further delay in establishing a follow-on mission would risk losing the current impetus and jeopardize the reputation of the United Nations in Timor-Leste, and thus our collective ability to work effectively in the country.

It seems to us that a United Nations policing and political mission would be a solution. But, in the meantime, the messages of calm and support should continue. The Secretary-General's radio initiative is very welcome. We need more of that. We also need an urgent mission to assess exactly what is required. If it can produce, for all of us, a list of what is needed, then individual countries may be able to bring forward more offers of bilateral assistance, which the United Nations can then coordinate. I think that the example set by Japan is one that we should all seek to emulate.

We look forward to the recommendations that the Secretary-General will make. It seems to us that, one way or another, the United Nations will have to be involved in the process of investigating what exactly caused the problems in recent months.

More generally, what Timor-Leste demonstrates is the difficulty of peacebuilding as a subject. Trying to develop stability in a post-conflict situation is inherently difficult. But it reminds us all of the responsibility of the United Nations across the board to do more to build peace in post-conflict situations, to allow sufficient time for the involvement of the United Nations and to make sure that we have covered enough of the key elements so that peace can actually be sustained. That is what the Peacebuilding Commission is all about. But this is an exemplar to all of us of why we have to do better.

The President: I shall now make a statement in my capacity as the representative of Denmark.

Denmark fully associates itself with the statement to be made shortly by the representative of Austria on behalf of the European Union. I will only add a few points.

Denmark would like to pay tribute to the four States that so rapidly heeded Timor-Leste's call for assistance in restoring security to the country. We are grateful for their efforts, which have already contributed to calming the situation. Nevertheless, the security situation remains tense, and additional United Nations assistance will be required to help reorganize and rebuild Timor-Leste's security sector.

We welcome the efforts made by the Government of Timor-Leste to clarify responsibilities within the Government and to reach out to the dismissed soldiers in order to find a solution to the crisis. Political reconciliation is key to resolving the conflict, and we support the United Nations continued engagement in that effort. Denmark also fully supports the request for an independent investigation of recent events and calls for those responsible for the killings to be brought to justice.

We thank the representative of Timor-Leste and the Secretary-General's Special Envoy for their remarks here today on the future United Nations presence in Timor-Leste. We look forward to receiving more detailed proposals from Timor-Leste and the Secretary-General as soon as they become available. In the meantime, Denmark supports a relatively short extension of the present mandate of the United Nations Office in Timor-Leste.

Among other elements, a future United Nations mission would need to contain a robust policing and police-training element, assistance to the upcoming elections, and support for justice and reconciliation. On the latter issue, Denmark understands that the Secretary-General will soon issue a separate report. It will also be important that the humanitarian needs arising from the conflict, as well as the serious socio-economic problems that have been a contributing factor to the recent conflict, be rapidly addressed.

Recent events are a strong indication that the international community needs to continue to provide strong support to Timor-Leste. With the combination of international support and the efforts of Timor-Leste's Government and people, Timor-Leste will, hopefully, soon be back on track towards a more peaceful and prosperous future.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Brazil.

Mr. Sardenberg (Brazil): I would like to thank the Danish presidency, under your leadership, Madam, for convening this timely public meeting to deal with the situation in Timor-Leste, which has become increasingly distressing since the last meeting of the Security Council on this item.

I wish to extend thanks to Ambassador José Luis Guterres of Timor-Leste, whose statement before this Council underlined the sense of urgency that should guide the coming actions of the United Nations in that country. Through you, Madam, I would convey to him and to all Timorese the heartfelt condolences of Brazil for the lives lost in recent events.

I wish also to express my appreciation for the briefing given by Special Envoy Ian Martin on his mission to Timor-Leste and his insightful update of the situation.

Ever since this Council held a public meeting on Timor-Leste last May, the serious deterioration of conditions on the ground have confirmed the gloomier assessments of the country. In fact, institutions have proven fragile and violent political disagreement has emerged.

Brazil joins previous speakers in welcoming the prompt response of Portugal, New Zealand, Australia and Malaysia to the request for assistance formulated by the Government of Timor-Leste. Having said that, I would state that we remain deeply distraught by reports

of recurring acts of banditry and other forms of violence. At this juncture, it seems essential for the Timorese to strive to make the foundations of political and legal institutions strong enough to allow different groups to express their opinions and to advance their claims without resorting to violence. In doing so, they will be acting in accordance with their courageous and relentless efforts to become independent and build a better country for themselves.

Last May, I closed my statement by emphasizing that piecemeal solutions are neither positive nor viable, and I added that

> "[i]n our view, the Security Council must at this time deliver a strong, unequivocal message of support for Timor-Leste" (S/PV.5432, p. 30).

That is becoming increasingly true. The United Nations and its Member States must act in a manner that reassures Timor-Leste of their commitment and assist that country with the necessary means to overcome the present situation.

A stronger United Nations presence should be carefully planned and implemented in order to help restore stability and allow the political forces in the country to solve their differences in a peaceful manner. The Council should continue to work closely with the Government. It should also discuss with the four countries ways and means of strengthening cooperation on the ground. In due course, all security contributions should be placed under the United Nations umbrella, with proper mechanisms of command and control and accountability.

As a member of the core group and a sister Portuguese-speaking country, we look forward to hearing concrete proposals on the best format for the United Nations presence. At this point, a full-fledged peacekeeping operation, with a major police component and a broad nation-building capacity, appears to be an appropriate response, in line with the request made by the Timorese President, Prime Minister and Speaker of Parliament in their letter dated 11 June.

At this point, the Council should give priority to restoring security. The 2007 elections should serve as a time reference for positive domestic and international action. A proactive United Nations engagement is also needed in addressing underlying elements of the present crisis. Beyond security, other relevant areas certainly include helping to strengthen the rule of law, assisting in humanitarian relief, extending cooperation for development, addressing issues related to human rights, promoting institution-building through institutional support, and capacity-building within the context of preparations for the coming elections in 2007. Within such a framework, we would welcome the creation of mechanisms that could bring to justice the perpetrators of the unlawful acts that have claimed innocent lives in May and June.

The United Nations Office in Timor-Leste has played its role in Timor-Leste. A technical rollover resolution should serve only to prepare for a new stage in international efforts. The Council should not delay too long the decision to reassess the United Nations presence.

I should like to reiterate the commitment of Brazil to Timor-Leste. We will persist in our efforts, both bilateral and multilateral, to help the people and the Government of Timor-Leste to find peace, stability and development, as stressed yesterday by President Lula da Silva in a letter to President Xanana Gusmão. At this time, I would emphasize that this Council, this Organization and its Member States should not only send a strong message of support for Timor-Leste, but also take the requisite measures to make it real.

The President: I call on the representative of Austria.

Mr. Pfanzelter (Austria): I have the honour to speak on behalf of the European Union and the countries aligning themselves with this statement.

Just one month after the last public meeting on Timor-Leste, we are meeting again today following the serious incidents that have occurred in recent weeks. We listened carefully to the remarks made by Ambassador José Luis Guterres and Mr. Ian Martin, the Secretary-General's Special Envoy, and we would like to thank them for their frank assessments of the situation.

The European Union is very concerned about the security situation in Timor-Leste. There can be no doubt that the escalation of events in the past two months has created a highly volatile security situation that endangers the achievements that Timor-Leste has registered in the years since gaining independence. The European Union calls on all parties involved to refrain from further violence and to contribute to re-

establishing public order. The European Union also calls on relevant actors from all sides to engage in dialogue to find a solution to the current crisis and its underlying problems.

We applaud the leadership of Timor-Leste for its decision to ask for help in trying to contain the situation. The European Union commends the countries that were asked for help — Portugal, Australia, Malaysia and New Zealand — for their quick reaction to that appeal and for their commitment to helping to restore law and order and to supporting Timor-Leste in this difficult phase.

Events in the last two months have, unfortunately, revealed a serious political crisis and shortcomings in the approach to security-sector reform in Timor-Leste, leading to the recent riots. Now, following the confrontation between different parts of the security sector and the looting of equipment, including weapons, a lot more work will need to be done. Most importantly, of course, the issues and grievances that led to the current situation will have to be addressed in a comprehensive manner so that political reconciliation can take place, as a necessary precondition for continuing the process of nation-building and for the holding of the 2007 elections. At the same time, we should not forget that there are sectors of the administration in Timor-Leste that had successfully taken up the provision of State services prior to the recent riots and whose functioning has been interrupted. Those parts of the administration must be enabled to take up their vital functions once again.

At a time when the mandate of the current United Nations operation — the United Nations Office in Timor-Leste (UNOTIL) — is under scrutiny and up for renewal, it is necessary to examine the future role of the United Nations in Timor-Leste. It is clear to the European Union that an international security presence will have to remain in the country for some time to provide security and stability. The role of the United Nations will have to be strong in order to promote and facilitate the process of political reconciliation so as to heal the divisions that have become apparent, to uphold law and order, and to redouble international efforts in capacity-building for the administration in Timor-Leste.

In the light of recent events, the holding of the 2007 presidential and parliamentary elections is a formidable challenge. International support for the election process will be crucial for its success and, indeed, for the consolidation of democracy in the country. The wishes of the Government of Timor-Leste and the assessment of the Secretary-General's Special Envoy should be among the guiding principles in considering the form that the future United Nations mission might take and will have to be closely taken into account. In that regard, it is important that the United Nations and the international community at large be enabled to finish the work undertaken.

Since 1999, the European Union and its member States have been reliable development partners for Timor-Leste. Under the current circumstances, the continued support of the international community is — more than ever before — essential for the long-term economic development of the country. In that regard, last Friday an agreement was signed between the European Commission and the Government allotting €18 million to economic and democratic development projects in the near future. A further €63 million in financial aid has been earmarked for the period 2008 to 2013. We are thus continuing to honour our commitment to help Timor-Leste in this field. The European Union is also engaged in the field of humanitarian assistance, with the European Commission redirecting ongoing humanitarian programmes and preparing a funding decision to swiftly address the emergency needs of the more than 100,000 internally displaced persons in and around Dili. Furthermore, the Commission is ready to consider stabilization measures under its Rapid Reaction Mechanism.

Timor-Leste is going through a difficult period. The United Nations was instrumental in helping the people of Timor-Leste gain their independence and start building their nation. We must do everything in our power to secure that investment and to strengthen the fragile democracy in Timor-Leste. The United Nations must heed its call for help and assistance in times of crisis.

The President: The next speaker is the representative of the Philippines, on whom I now call.

Mr. Mercado (Philippines): My delegation thanks the Danish presidency for having convened this public meeting on Timor-Leste. This meeting could not be more timely or important, particularly as the assistance of the international community to Timor-Leste, on both a bilateral and a multilateral basis, is

becoming more critical than ever due to the unfortunate events of the past two months. We also thank Special Envoy Ian Martin and Ambassador José Luis Guterres for their candid reports.

We join other delegations in expressing our deep concern at recent developments in Timor-Leste. We support the efforts being undertaken by the Government of the country to end the violence and to restore security and stability in the country. We welcome in particular the plan to hold an all-inclusive dialogue and the creation of a special inquiry commission to determine responsibility for the violence. At the same time, we commend Australia, Malaysia, New Zealand and Portugal for having speedily responded to calls for assistance and for helping to restore law and order in Timor-Leste.

Timor-Leste is once again at a critical juncture in its young history. It would seem that, after the considerable efforts expended by the international community in building this nation, the violence of the past month has set back the progress achieved thus far. We are confident, however, that this is but a temporary bump in the road, for there is no smooth path to progress in Timor-Leste. After all, nation-building requires time, patience, sustained effort and deep commitment in order for the process to become irreversible.

International support is essential to keep Timor-Leste on the track of development. On this point, my delegation is of the view that the crucial engine that will drive Timor-Leste back onto the right track is a continued, sustained and appropriately constituted United Nations presence in that country. The United Nations should not abdicate its role in building up Timor-Leste. That country is considered one of the United Nations success stories and any effort that would result in the United Nations leaving should be eschewed.

What is needed right now is strategic planning in order to put Timor-Leste back on track and ensure that the significant gains achieved are not wasted. We hope that the UNOTIL rollover and the recent violence in Dili has given decision-makers time and the proper perspective to adequately plan for the future of Timor-Leste.

The continued United Nations presence should work to strengthen the institutional capacity of the Government of Timor-Leste, particularly in the delivery of basic services, justice and economic development. An electoral component is also necessary to assist Timor-Leste in organizing next year's elections.

Inasmuch as law and order is a major concern, as we have seen in the past two months, a robust police component, as requested by the Government of Timor-Leste, is essential. It should not only perform operational policing but also plan and build the capacity of Timor-Leste's police force until it can act as an independent and professional law-enforcement agency.

My delegation takes note of the Government of Timor-Leste's request for the deployment of police units from the Philippines under the United Nations umbrella. We take this opportunity to thank the Government of Timor-Leste for its trust and confidence in requesting police units from the Philippines, which we view as a way of further contributing to peacekeeping operations in that country.

Prior to the events of the past two months, the experience of Timor-Leste had been one of the best examples of a successful international enterprise engineered through the combined, cooperative efforts of the United Nations and regional players and partners. Let us view Timor-Leste through the prism of optimism and pragmatism and act to ensure that this will continue to hold true. The events of the past months should serve as valuable lessons on the fluidity and uncertainties of peacebuilding in the United Nations context and should not deter us from our duty of pursuing it despite the odds.

The President: The next speaker is the representative of Fiji, to whom I give the floor.

Mr. Kau (Fiji): Allow me to congratulate you, Sir, on your country's presidency of the Security Council for this month and to thank you for the opportunity to speak on this important issue concerning a member of our Alliance of Small Island States, an observer in our Pacific Islands Forum and the youngest member of our family of nations — Timor-Leste. I should like also to thank Special Envoy Ian Martin for his briefing and to commend the four countries — Australia, New Zealand, Malaysia and Portugal — for their briefings and their efforts on the ground.

Recent events in the country paint a picture of a young nation struggling to stand up to the challenges of

nationhood — challenges that are both vivid and vague. It is the vague ones that we stumble over when they manifest themselves. As in most developing countries, it does not take a major riot or much wanton destruction to upset the carefully planned Government processes or rend the people's hope for the future.

Five years after attaining independence, events have not proceeded as smoothly as many expected. Efforts to reorient the mindset of the people and redirect the energy to nation-building are never easy. Nation-building takes time and resources and is subject to a lot of internal and external considerations. Prominent among those considerations is the issue of disarmament, demobilization and reintegration. It is the difficulties encountered during the demobilization and reintegration of the Timor-Leste security forces that caused the present impasse. When those difficulties are embroiled together with a feeling of being marginalized, a volatile mix is the result. All that was required was for someone to fan the flame for the volatility to explode.

Capacity-building and development and the establishment of new systems and institutional structures conducive to good governance and stable democracy are fundamental to ensuring peace, security and long-term stability and, ultimately, sustainable development. The effort to curb spending and reduce superfluous expenses has often met with opposition in almost all nations emerging from conflicts.

Every country needs peace and stability, including a stable, democratically elected Government, and Timor-Leste is no exception. The United Nations must be commended for its part in the start of Timor-Leste's journey, and it behooves the Organization to be seized with the development of its political and economic well-being. That of course can happen only with commensurate efforts from the people and Government. In this regard, Fiji supports and would welcome a sustained United Nations presence to guide the journey of Timor-Leste. Such a presence would also be indicative of the Organization's commitment to build on its considerable investment in Timor-Leste of more than six years.

With the provision of assistance through the proposed new United Nations mission, as requested by the Timor-Leste leaders, the Organization can better enable the Government to make further advances in fostering peace, stability and democracy. Should assistance come from the newly established Peacebuilding Commission at a later date, it must be mindful of the sovereignty of the nation and Government of Timor-Leste. Assistance must be carried out in coherence with the United Nations offices on the ground to ensure that it is all well coordinated and in keeping with the wishes of the people, and can be sustained by their Government when the United Nations finally takes its leave.

Fiji participated in the United Nations Transitional Administration in East Timor (UNTAET). The Government of Fiji will be willing to participate in a further peacekeeping role in Timor-Leste should it be asked. We look to the Security Council to pave the way for an extended United Nations presence and hopefully, in due course, the assistance of the Peacebuilding Commission to provide the much-needed advice and support that can ensure long-lasting peace and stability in Timor-Leste.

The President: I next give the floor to the representative of Indonesia.

Mr. Atiyanto (Indonesia): Since this is the first time my delegation is addressing the Council under Denmark's presidency, let me congratulate President Løj on assuming this important post. We are confident that under her able stewardship the Council will be very productive this month.

My delegation expresses its appreciation to the Secretary-General, Mr. Kofi Annan, for his statement and his Special Envoy, Mr. Ian Martin, for his informative briefing and for the work undertaken during his recent mission to Timor-Leste.

We have been closely following the situation in Timor-Leste. As its closest neighbour, we are very keen for the crisis in Timor-Leste to come to an end and for the situation to return to normalcy very soon. We are therefore heartened to learn that the security situation in the country is improving and that progress is being made to address problems in that area. My Government continues to support Timorese leaders in their efforts to find a durable solution to the crisis. We are confident that under their wise leadership, Timor-Leste will be able to resume its national development on a sounder foundation.

In this time of difficulties, Timor-Leste has nevertheless continued to cultivate and enjoy excellent bilateral relations with Indonesia. The rapport between

the leaders of our two countries remains strong. In this regard, President Xanana Gusmão and President Susilo Bambang Yudhoyono, will meet in Bali on 17 June to discuss issues of common concern and interest to both countries.

Against that background, we respect the decision taken by the Timor-Leste leadership to use any avenue it deems appropriate to help solve the problem in the country. Indonesia, for its part, has been doing its best to assist Timor-Leste, including the closure of our common land border to prevent any incidents that might complicate the situation. In addition, we have dispatched aid to help alleviate the humanitarian impact of this crisis on the Timorese people. My Government will continue to stand ready to provide assistance whenever needed.

In view of this current development, we believe that the United Nations should redouble its efforts to assist the Government of Timor-Leste in dealing with its pressing problems, so that its democratization process can be put back on track. While the United Nations Office in Timor-Leste (UNOTIL) certainly needs to evaluate its programme priorities in order to better preserve the achievements of the United Nations in the country, it should, in partnership with the United Nations Development Programme, continue to support the Government in the economic, social and administrative fields. That will help restore normalcy to the country's political, economic and social life. Similarly, in helping Timor-Leste meet the challenges it now faces, the international community must remain responsive to its needs for assistance and support.

Indonesia, as a neighbour which shares a forward-looking vision with Timor-Leste based on the principles of peaceful coexistence, reconciliation and mutually beneficial relations, will, for its part, continue to assist Timor-Leste to ensure continued peace, stability and democracy in the country.

The President: I next give the floor to the representative of Singapore.

Mr. Menon (Singapore): Let me first thank Special Envoy Ian Martin for his update on the situation in Timor-Leste. I also join other speakers in commending the troops and police from Australia, Malaysia, New Zealand and Portugal for their assistance to Timor-Leste during this difficult period.

About five weeks ago, we deliberated on the importance of maintaining a continued United Nations presence in Timor-Leste. My delegation emphasized then that we should not be "penny wise and pound foolish". Instead, there was a need to remain engaged in the work of institution-building for Timor-Leste. I believe that many delegations shared these sentiments.

It is unfortunate that recent developments seem to have underlined the need for this approach. Timor-Leste has slid into instability just days after celebrating the fourth anniversary of independence. Two key institutions — the Timorese Armed Forces (F-FDTL) and the National Police Force of Timor-Leste (PNTL) — have unravelled before our eyes. We have seen appalling images of looting and hostilities. These events have been a stark reminder of how easily the peace and serenity of a new country can be shattered.

The deployment of troops and police from Australia, Malaysia, New Zealand and Portugal has restored a degree of calm. For this, those countries deserve much praise. However, massive displacement of people remains, and law and order has not been fully restored. Law and order must be re-established. The armed gangs must be apprehended and disarmed as an integral step in the restoration of peace and security so that people can return safely to their homes and jobs.

There is also an urgent need to resolve the differences among rival factions and to help rebuild institutions. The United Nations can assist in a thorough review of the reasons behind the rapid breakdown of law and order to prevent a recurrence of the problem, particularly when Timor-Leste holds elections next year. I call on the leaders and the people of Timor-Leste to speed up the process of national reconciliation and to act with the international community to address the problems at home.

The leaders of Timor-Leste have asked for assistance, in particular a longer United Nations presence. I hope that the Security Council will seriously consider that when it decides on a new mission mandate. It is important that the Council send a strong signal of support for the people of Timor-Leste by establishing an appropriate United Nations mission after UNOTIL. The successor mission must have a robust peacekeeping mandate. Peacekeeping under the leadership of the United Nations offers the best hope of pulling together the resources of Member States to address the situation in Timor-Leste in the longer term.

The President: I now give the floor to the representative of the Republic of Korea.

Mr. Choi Young-jin (Republic of Korea): Timor-Leste is one of the most remarkable United Nations successes in nation-building. However, recent political developments and the outbreak of fresh violence remind us that the country's democracy is still fragile and that the continued presence of the United Nations is highly important for maintaining peace and stability.

Since gaining its independence in 2002, Timor-Leste has moved forward on the road to peace, democracy and development, making steady progress in governance, institution-building and establishing the rule of law. That has been achieved through the work of the Government of Timor-Leste and the international community. But we should recognize that the journey has just begun. The situation remains fluid, and much remains to be done to ensure security and stability for Timor-Leste for the future.

We believe that Timor-Leste can and should stand on its own. The goal of the international community in Timor-Leste should be to help the people take full control of their country's affairs. Before that can take place, however, the international community will need to provide much more help. The international community should assist Timor-Leste in facing the many challenges ahead. Our assistance should be focused on helping the people of Timor-Leste to develop sustainable institutions and policies that support their new democracy, political stability and economic growth.

It is with great anxiety that, in recent weeks, we have watched the political tension in Timor-Leste erupt into violence. In particular, my Government is deeply concerned that approximately 100,000 people — or 10 per cent of the whole population of the country — have been driven from their homes to shelter camps. In that regard, my Government wishes to draw the attention of Member States to the flash appeal for humanitarian assistance for Timor-Leste made by United Nations agencies and non-governmental organizations stationed in the country.

We are heartened that the leaders of Timor-Leste have been making determined efforts to stay united during the current crisis and to take decisive measures to address the challenges faced by the country. That crisis has clearly revealed the underlying issues facing Timor-Leste and the steps that its leaders should take to bring about national unity.

The greatest challenge is the restoration of stability and order. The United Nations should strengthen its involvement in Timor-Leste to help overcome that challenge. Another formidable challenge ahead is the preparation for and conduct of its first presidential and parliamentary elections, slated for 2007. International support for the election process will be crucial, helping to consolidate the remarkable achievements already made in reconstruction and nation-building. We therefore believe that the international community should respond favourably to the needs of Timor-Leste for assistance and support in meeting those challenges.

In that regard, I would like to reiterate my Government's firm commitment to continue its strong support for Timor-Leste. Some 700 Korean troops participated for four years in the United Nations peacekeeping operations there, and we provided humanitarian and electoral assistance as well as economic and technical cooperation to help the Timorese people build their nation. Our collaboration with Timorese authorities to enhance food production by developing a new kind of corn — Timor Hybrid Number 1 — is a source of particular satisfaction. My Government stands ready to join the international community in assisting the people of Timor-Leste.

One of the most important United Nations successes is undergoing a crisis, and the international community must help. The international community has made a substantial investment in Timor-Leste's progress as a nation, and we encourage its many international supporters to continue their assistance to ensure that the Timorese continue on their journey to a stable and sustainable future.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.20 p.m.

United Nations S/PV.5458

Security Council

Sixty-first year

Provisional

5458th meeting

Wednesday, 14 June 2006, 10 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Wang Guangya
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Nana Effah-Apenteng
	Greece	Mr. Vassilakis
	Japan	Mr. Kitaoka
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

Letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/375)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-38709 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/375)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boutros Assaker, Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

On behalf of the Council, I also extend a warm welcome to His Excellency Mr. Fayssal Mekdad, Vice-Minister for Foreign Affairs of the Syrian Arab Republic.

At the invitation of the President, Mr. Assaker (Lebanon) and Mr. Mekdad (Syrian Arab Republic) took seats at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

It is so decided.

I invite Mr. Brammertz to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/375, which contains a letter dated 10 June 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the United Nations International Independent Investigation Commission.

I wish to draw the attention of members to document S/2006/278, which contains a letter dated 5 May 2006 from the charge d'affaires ad interim of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General.

I now give the floor to Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission.

Mr. Brammertz: I would like to thank you, Madam President, for having given me the opportunity to present to the Council the fourth report of the Independent International Investigation Commission (S/2006/375, annex). The report details further progress made in the investigation of the killing of former Prime Minister Rafik Hariri and 22 others. It also provides an update on the technical assistance that the Commission has been affording to the Lebanese authorities in the investigations of 14 other crimes. In particular, the Commission has developed its investigative activities, increased its technical assistance to the Lebanese authorities, strengthened its organizational structure and capacity and adopted its internal procedure.

The investigation has further developed over the past three months. Twenty-four projects are under way concurrently, including forensic examinations of the crime scene and the convoy vehicles, a review of the telecommunications used by the alleged perpetrators, and the interviewing of key witnesses and sensitive sources. Most notably, the Commission has invested a major 23-day effort in the systematic forensic examination of the immediate circumstances of the Hariri attack. One of its main objectives was to establish a unifying theory on whether the explosion occurred below ground or above ground, whether it consisted of one or two blasts or a combination thereof.

and how it was triggered. That will facilitate an understanding of the planning and execution of the crime, the nature and composition of the perpetrating team and its skills and coordination, the time spent to plan the attack, the period during which the decision to assassinate Rafik Hariri was taken, and the extent of the involvement, potential advance knowledge or complicity of other individuals.

Based on the results of the investigations and analysis and the evidence collected so far, the Commission has reached the following preliminary conclusions. One above-ground explosion took place on 14 February 2005 at precisely 12.55 p.m. A large improvised explosive device (IED), placed in a Mitsubishi truck, was detonated as the Hariri convoy passed by. The IED contained a minimum of 1,200 kilogrammes of TNT equivalent. The detonation of the IED was most likely initiated by an individual within or immediately in front of the Mitsubishi.

The Commission does not believe that the claim of responsibility expressed in the video tape delivered to Reuters and Al Jazeera immediately after the attack establishes the identity of the individual. In fact, DNA analysis of human remains recovered from the crime scene suggests that there is no evidence that the individual claiming responsibility for the attack, namely Ahmed Abu Adass, was the individual who initiated the detonation of the IED.

The crime must be considered a targeted assassination. The large quantity of explosives used elevated the attack to an almost "guaranteed" level: the magnitude of the explosion was designed to ensure the success of the operation even if the Hariri vehicle was not directly hit.

The Commission has developed two basic working hypotheses regarding the perpetrators of the attack. On the one hand, the Commission is considering the possibility that the attack was planned and executed in a compartmentalized manner. In practice, this would mean that different people were responsible for or involved in the planning of the attack, the reconnaissance and surveillance, the preparation of the IED, the acquisition of the Mitsubishi truck, the identification of the individual used as the trigger mechanism and the claim-of-responsibility video. Each part would have been carried out by individuals or groups who were not necessarily aware of or involved in other parts of the operation.

On the other hand, the Commission does not exclude the possibility of an operation planned and executed by a relatively small single team.

The Commission is also developing working hypotheses regarding those who commissioned the crime. Given the many different positions occupied by Rafik Hariri and his wide range of public and private sector activities, the Commission is investigating a number of different motives, including political motivations, personal vendettas, financial circumstances and extremist ideologies, as well as any combination of them.

In this context, the Commission is continuing with a series of interviews of individuals who it believes can assist in clarifying the formal and informal structures prevailing in Lebanon and the wider region at the time of the assassination. These include interviews with Syrian and Lebanese officials from a number of different organizations and agencies.

The level of assistance provided by Syria during the reporting period has generally been satisfactory. Syria responded to all of the Commission's requests, and did so in a timely manner. In some instances comprehensive responses were provided. Since March, the Commission has submitted 16 formal requests for assistance to Syria. Some of those seek, within a set time frame, detailed information on the Syrian military and civilian intelligence apparatus in Lebanon. Others request the facilitation of witness interviews in Syria or the sharing of information obtained by the Syrian authorities in the course of their own investigations.

Three of those requests were submitted as a result of my meetings in Damascus with the President and the Vice-President on 25 April 2006. At that meeting, the President reiterated the assurances given by other senior officials that Syria intends to comply fully with all Commission requests. The Commission will continue to request this full cooperation from Syrian authorities, including in collecting documents, seeking specific information and facilitating interviews of Syrian citizens.

There has also been a substantial increase in the number of requests for assistance submitted to other Member States. Since 15 March 2006, 32 formal requests for assistance were sent to 13 Member States.

That increase underlines the wide reach of the Commission's investigative activities and the international character of its work.

Moreover, interaction with the Lebanese authorities continues to be excellent at all levels and on all aspects of the Commission's mandate. The commitment and support of the Prosecutor General of Lebanon and his Office, and that of the respective investigating judges, have been instrumental in much of the progress made. The Government of Lebanon, the armed forces and the internal security forces ensure, with much dedication, that the Commission can carry out its work in a secure environment, despite persisting security challenges. The Commission is particularly grateful for that support.

The Commission has also continued its technical assistance to the Lebanese authorities in their investigation of 14 other attacks that occurred in Lebanon. The Commission's focus during the reporting period has been twofold: to advance the status of each case individually and of all cases horizontally so as to establish potential links between the attacks.

As a result, the cases can be linked analytically in a number of different ways, and from varying perspectives, notably in the similarities in their modus operandi and their intent. However, in terms of evidence, none of the cases is developed to an extent that would allow for the identification and linking of perpetrators. In fact, all 14 cases are at present lacking significant forward investigative momentum. The reasons for that include the lack of Lebanese forensic capacity to collect and analyse evidence and a lack of horizontal coordination among the cases due to an apparent fragmentation within the Lebanese judicial and law enforcement system. The Commission has little reason to believe that the status of these cases will change much in the foreseeable future unless external assistance is provided. Given the significance of the 14 cases and their potential importance to the Hariri investigation, I believe that a more concerted and robust effort is needed to advance the investigation of these cases.

Progress in the Commission's investigative work when providing technical assistance will not be possible without the strong backbone of a solid organization. The consolidation of the Commission's structure and capacity is therefore an ongoing effort. In my last briefing I expressed serious concern over the lack of readily available and qualified personnel for the Commission. While the Commission is still not at full capacity, the situation has improved. Most of the Commission's key functions are now filled or under recruitment. We have 24 investigators, lawyers and analysts on board, with 10 additional staff scheduled to join us soon. As a result, the vacancy rate has dropped from almost 50 per cent in January to less than 20 per cent today.

A key aspect of the Commission's institutional consolidation has been the adoption of its own internal working procedure, as directed by resolution 1595 (2005). The procedure aims at ensuring uniformity in the work of the Commission and respect for minimum professional standards. The internal procedure takes into account Lebanese law and judicial procedures, as well as relevant international standards and the procedures of international criminal jurisdictions. That will help ensure that any information collected by the Commission is admissible in future legal proceedings, possibly before a tribunal of an international character.

Considerable progress has been achieved in the Hariri investigation. Critical forensics work on the crime scene and the convoy vehicles has been completed. The modalities and circumstances of the attack of 14 February 2005, which killed Rafik Hariri and 22 others, are now largely understood. While continuing essential forensic work, the Commission will, in the months ahead, focus on the identification of the perpetrators and those who commissioned the crime.

The Commission welcomes the 4 May 2006 request of the Government of Lebanon to the Secretary-General to extend its mandate for a further period of up to one year. Such an extension would provide a sense of continuity and stability and guarantee steady operations and planning. Moreover, in the light of the potential linkages between the Hariri investigation and the 14 other cases, the Commission believes that a much more concerted and robust effort is needed to move these cases forward. External support in providing technical assistance and forensics expertise to the Lebanese investigations will be critical. The Commission could also conceive of a more proactive role for itself in supporting Lebanese judicial authorities in strengthening their investigations.

I am fully aware of the high expectations that the Commission's mandate and work create among the

families of the victims — and, in fact, among the Lebanese public at large. I understand the need to obtain answers to the questions surrounding the assassination of Rafik Hariri and the 14 other attacks. It is precisely for those reasons that there is no alternative to staying focused and continuing to tackle these questions one by one and in a systematic manner that will provide the level of evidential certainty required by any court so that justice will eventually be done.

I thank the Council very much for its continued support.

The President: I thank Mr. Brammertz for his briefing.

I now give the floor to Mr. Boutros Assaker, Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

Mr. Assaker (Lebanon) (*spoke in Arabic*): The Security Council is once again meeting to follow up on issues pertaining to Lebanon. This time the question pertains to the investigation into the assassination of martyred Prime Minister Rafik Hariri and his companions, which is a matter of bringing justice to a people and a country. On behalf of my Government, Madam President, I would like to reiterate our thanks to you, your friendly country, the other members of the Security Council and the Secretary-General for all your continued efforts and your desire to follow up on this matter. The efforts to identify and punish those involved in this crime enjoy the complete support and the consensus approval of the Lebanese people as a whole.

We have just heard the briefing of Commissioner Serge Brammertz on the fourth report of the United Nations International Independent Investigation Commission (S/2006/375, annex). We express our gratitude for that report, which we have read carefully and about which we would like to make the following positive remarks.

First, we commend the high professionalism and seriousness that characterize Mr. Brammertz and his team. We welcome the progress referred to in the report as regards enhancing the human and technical capacity of the Commission. We also welcome the progress made in the investigation, which we hope will continue until the whole truth behind this grave terrorist crime is uncovered. We further hope that the support of the Commission for Lebanese judicial authorities will lead to the identification of those responsible for other terrorist crimes that Lebanon has suffered.

Secondly, we look forward to the Council's favourable consideration of the 4 May 2006 request by the Lebanese Government addressed to the Secretary-General to extend the Commission's mandate for an additional year, as well to its approval of the repeated requests that Mr. Brammertz continue to lead the Commission. That latter request is in recognition of the renowned competence and professionalism of Mr. Brammertz. It also reflects a desire to ensure the effectiveness and continuity of the investigation, which could be disrupted owing to the time needed to appoint a new Commissioner.

Thirdly, we underscore with satisfaction the report's reference to the robust ongoing cooperation between the Commission and Lebanese judicial authorities, whose work and productivity are continuously improving. That improvement reflects the desire of the Lebanese Government to develop the capacity of its judicial and security agencies. It also reflects the competence of those agencies and their will to develop their performance and preparedness despite difficult working conditions, which we continue to work hard to improve. In that regard, we reiterate the importance of continuing that cooperation between the Commission and the Lebanese authorities in accordance with the memorandum of understanding signed between the two parties and the suggested amendments that are being discussed to ensure optimal working conditions and productivity in the service of the serious task that the Commission has undertaken.

Fourthly, the Lebanese Government notes with interest the reference in the report to the cooperation of the relevant parties named therein. The Lebanese Government hopes for and encourages such full, ongoing cooperation in the service of truth, justice and stability in Lebanon and throughout the region.

The assassination of Prime Minister Rafik Hariri was an unusual crime that reverberated and continues to reverberate throughout Lebanon, the region and the world. Lebanon and its people have therefore participated with exceptional determination and persistence in the investigation into the crime, alongside the international community. They have also established optimal conditions for ensuring legality and

justice by uncovering the complete truth, putting those involved on trial, and punishing them in a manner commensurate with the gravity of their crime.

In that regard, we note the current consultations between the Lebanese authorities and the United Nations Secretariat, in accordance with the resolution adopted by this Council, on drafting the basic statute of an international court, which all Lebanese await with concern and anticipation. The establishment of such a court will assure the Lebanese people that justice will be served in the interests of strengthening peace and setting a precedent that will prevent the recurrence of such heinous terrorist crimes in Lebanon and the region, which have long suffered from similar acts of terrorism.

The Lebanese Government appreciates the Security Council's close follow-up of the just causes that concern Lebanon and commends its efforts in that regard. The Lebanese Government affirms that it is moving forward with confidence and persistence, in respect for international legitimacy and in cooperation with the brotherly and friendly countries of the international community, towards developing its capacity to build a State that is capable, just and responsive to the aspirations of all the Lebanese people — a State that embodies the Lebanese heritage of freedom, openness and democracy.

The President: I shall now give the floor to Mr. Fayssal Mekdad, Vice Minister for Foreign Affairs of the Syrian Arab Republic.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to congratulate you, Madam, on your accession to the presidency of the Security Council. We wish you every success in leading the Council's work this month.

We express our deep gratitude for the work of the Permanent Representative of the Congo and his friendly delegation and for their wise leadership of the Council throughout their presidency last month.

I also welcome the presence of Mr. Serge Brammertz, Commissioner of the United Nations International Independent Investigation Commission, and thank him for his briefing. We note the contents of Mr. Brammertz's report, as well as its objectivity, professionalism and positive references to Syria's efforts to cooperate with the Commission, to respond constructively to all the Commission's requests, and to provide it with all the necessary information in a timely manner.

I wish to stress that the cooperation of the Government of the Syrian Arab Republic with the Commission is based on its eagerness to uncover the truth about the assassination of the former Prime Minister of Lebanon, the late Rafik Hariri, and to expose those who were behind the crime.

The report before the Security Council today includes a step-by-step clarification of the Committee's technical work at the scene of the crime and on the means used to commit it. We hope that the Commission, newly reconstituted a few months ago, will uncover the truth concerning those truly responsible for committing the crime.

In that context, we reiterate the assertion we have made on previous occasions to the effect that the greatest threat to the investigation is the attempts by certain parties within or outside our region to use developments in the investigation as an excuse to jump to a priori conclusions unfounded in clear evidence or proof, and to provide false evidence that may be exploited for purposes, including the desire to pressure my country, that are far removed from those for which the Commission was established. The fact is that a revelation of the truth must await the Commission's completion of its task.

I wish briefly to refer to the report before the Security Council and to make the following general remarks, without addressing its substantive details so as not to prejudice the investigation, which we believe must be objective, impartial, independent and free of all politicization and political interference.

First, the report notes that Syrian cooperation with the Commission has been satisfactory. We emphasize that Syria has cooperated tirelessly and fully with the United Nations International Independent Investigation Commission from the moment it began its work to this very day. In that context, the special judicial commission established in Syria is prepared to follow up on coordination and cooperation with the International Commission and to respect all requests for assistance it may submit. We note that the accuracy and clarity of the requests presented to the Syrian judicial commission has allowed us to provide the International Commission with the requested information in record time.

Secondly, in the framework of cooperation between Syria and the United Nations International Independent Investigation Commission, the report notes Syria's positive response to requests made by the Commission with respect to the provision of information and documentation. It further notes that

> "[t]he Syrian Arab Republic has responded to all of the Commission's requests in a timely manner and in some instances comprehensive responses were provided" (*S/2006/375, para. 103*).

I would stress here that Syria will continue to extend its efforts in that area.

Thirdly, Syria supports the emphasis in the report on the necessity of carefully and accurately analysing and assessing the evidence in accordance with the highest standards and parameters of international criminal procedure, in particular with respect to false testimony provided to the Commission for well-known political reasons.

Fourthly, we note that the Commission has made requests for assistance to 13 other States in addition to Syria and Lebanon. In that context, we would like to emphasize that Security Council resolution 1595 (2005) called upon all States to cooperate fully with the International Independent Investigation Commission, in order to uncover the truth behind the assassination of the late Rafik Hariri.

Fifthly, we have noted with satisfaction the continued confidentiality of the investigation; we welcome such confidentiality and would like it to continue.

Sixthly, Syria agrees with the report as regards the need for adequate time to complete the investigations and gather all the necessary solid evidence and proof before moving on to the next step.

In conclusion, Syria agrees with the importance of providing the international investigation with all the resources and time it needs to finish its work, enabling it to gather true evidence in the absence of politicization and false and erroneous hypotheses. Here, we would like to emphasize that, through the Syrian Judicial Commission, Syria will continue to cooperate actively in order to help the International Commission. Once again, I would like to emphasize that Syria's cooperation is based upon its wish to find and reveal the truth, something which is in our best interests.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.